International Brotherhood of Electrical Workers Local Union No. ...al v. Genesis Electrical Services Doc. 82

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL UNION NO. 22/N.E.C.A. HEALTH AND WELFARE TRUST FUND, et al.,	)	
Plaintiffs,	)	**8:08CV43**
vs.	)	**ORDER**
GENESIS ELECTRICAL SERVICES, INC.,	)	
Defendant.	)	

This matter is before the court *sua sponte*, pursuant to NECivR 41.2, which states in pertinent part: "At any time, a case not being prosecuted with reasonable diligence may be dismissed for lack of prosecution." On April 8, 2009, a clerk's entry of default was entered against the defendant. **See** Filing No. 80. The defendant has failed to obtain legal counsel or seek for the clerk's entry of default to be set aside. Further, the plaintiffs have failed to take any additional action against the defendant.

In any event, it remains the plaintiffs' duty to go forward in prosecuting the case by, for example, filing a motion for entry of judgment against the defendant, pursuant to Fed. R. Civ. P. 55(b) and NECivR 55.1(b) or (c). Alternatively, the plaintiff may voluntarily dismiss the action against the defendant pursuant to Fed. R. Civ. P. 41(a) or be subject to involuntary dismissal pursuant to Fed. R. Civ. P. 41(b). Upon consideration,

IT IS ORDERED:

The plaintiffs shall take appropriate action against the defendant or show cause why this case should not be dismissed for failure to prosecute on or before the close of business **September 25, 2009**.

DATED this 16th day of September, 2009.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge

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