

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

LARRY WAYNE KITCHENS, ) 8:08CV157  
 )  
 Plaintiff, )  
 )  
 v. ) **MEMORANDUM  
 AND ORDER**  
 )  
 MARTY CONBOY, et al., )  
 )  
 Defendants. )

This matter is before the court on its own motion. On August 4, 2008, the court entered a Memorandum and Order dismissing claims and directing the plaintiff to file an amended complaint no later than August 19, 2008. ([Filing No. 6.](#)) The plaintiff has not filed an amended complaint or any other response to the court's August 4, 2008, Memorandum and Order.

IT IS THEREFORE ORDERED that:

1. This matter is dismissed without prejudice because the plaintiff failed to prosecute this matter diligently and failed to comply with this court's orders.
2. A separate judgment will be entered in accordance with this Memorandum and Order.

Dated September 15, 2008.

BY THE COURT

s/ Warren K. Urbom  
United States Senior District Judge