

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

BILLY TYLER,

8:08CV259

Plaintiff,

v.

**MEMORANDUM  
AND ORDER**

SOCIAL SECURITY  
ADMINISTRATION,

Defendant.

This matter is before the court on its own motion. On August 15, 2008, the court conducted an initial review of the Complaint. (Filing No. [6](#).) In that Memorandum and Order, the court stated that “Plaintiff has failed to clearly indicate whether he has exhausted his administrative remedies.” (*Id.* at CM/ECF p. 3.) The court then permitted Plaintiff until October 3, 2008 to amend his Complaint to “address the deficiencies relating to the exhaustion of administrative remedies.” (*Id.*) Plaintiff was warned that his failure to file an amended complaint addressing those deficiencies would result in dismissal “without further notice.” (*Id.*)

On August 25, 2008, Plaintiff filed a document titled “Amended Complaint.” (Filing No. [7](#).) This Amended Complaint does not address Plaintiff’s failure to exhaust his administrative remedies. Rather, the Amended Complaint consists of one sentence and states:

Only thing Battalion need understand is that: Petitioner wants Batalion to ORDER “SSA” to process appeal Plaintiff filed long ago (6 months ?? more?).

(Filing No. [7](#), spelling and grammar as in original.) In light of these facts, this matter is dismissed.

IT IS THEREFORE ORDERED that:

1. This matter is dismissed without prejudice for failure to prosecute diligently and for failure to comply with the court's orders.

2. A separate judgment will be entered in accordance with this Memorandum and Order.

November 13, 2008.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief United States District Judge