Flood et al v. U.S. Marshall et al Doc. 6

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

WILLIAM C. FLOOD,	)	**CASE NO. 8:08CV333**
	)	
Petitioner,	)	
	)	
v.	)	**MEMORANDUM**
	)	**AND ORDER**
U.S. MARSHAL, and WARDEN OF DOUGLAS COUNTY CORRECTIONAL CENTER,	)	
	)	
Respondents.	)	

This matter is before the court on its own motion. On October 14, 2008, this court ordered Plaintiff to submit a completely new amended petition, originally signed under penalty of perjury, no later than November 13, 2008. (Filing No. 4.) The court cautioned Plaintiff that failure to comply with the court's order could result in dismissal of his Petition without further notice. (*Id.*) Over two months have now passed and Plaintiff has yet to submit an amended petition. Therefore, this case is dismissed without prejudice because Plaintiff failed to prosecute this matter diligently and failed to comply with the court's orders.

IT IS THEREFORE ORDERED that:

1. This matter is dismissed without prejudice because Plaintiff failed to prosecute this matter diligently and failed to comply with the court's orders;

2. Plaintiff's Motion for Leave to Proceed in forma pauperis (Filing No. 2) is denied as moot; and

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

DATED this 30th day of December, 2008.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge

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