

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

STUART THOMAS, INC. doing)
business as Lenox Homes Defined)
Benefit Pension Plan,)
))
Plaintiff,)
))
vs.)
))
UNITED STATES OF AMERICA,)
))
Defendant.)

8:08CV376

ORDER

This matter is before the court on the plaintiff's Petition to Quash Administrative Summons [1]. Compliance with the administrative summons was stayed on August 15, 2008 pending the court's resolution of the petition. To date, the record does not show that the Petition has been served on the United States in accordance with 26 U.S.C. § 7609(b).

To facilitate a timely resolution of this matter,

IT IS ORDERED that the Petitioner shall effect service on the United States and file proof of service with the court no later than **October 30, 2008**. Failure to do so may result in a recommendation that this case be dismissed without prejudice for failure to prosecute. *See* NECivR 41.1.

DATED October 10, 2008.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**