

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

BILLY TYLER,	)	8:08CV467
	)	
Plaintiff,	)	
	)	
v.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
TOM OSBORNE, et al.,	)	
	)	
Defendants.	)	

This matter is before the court on its own motion. On December 10, 2008, the court conducted an initial review of Plaintiff's Complaint and found that it failed to state a claim upon which relief may be granted. (Filing No. 6.) The court permitted Plaintiff the opportunity to amend his Complaint "in order to allege sufficient facts to show that he provided the EPA Administrator with notice of his intent to sue." (*Id.* at CM/ECF p. 3.) Plaintiff thereafter submitted two Amended Complaints. (Filing Nos. 7 and 8.) The court has carefully reviewed the Amended Complaints. Neither allege that Plaintiff provided the EPA Administrator with notice of his intent to sue and this court therefore lacks jurisdiction.

IT IS THEREFORE ORDERED that:

1. This matter is dismissed without prejudice.
2. A separate judgment will be entered in accordance with this Memorandum and Order and the court's December 10, 2008 Memorandum and Order.

February 24, 2009.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief United States District Judge