

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

|   |   |           |
|---|---|-----------|
| DENIS M. HENN,  | ) |           |
|   | ) |           |
| Plaintiff,  | ) |           |
|   | ) | 8:08CV473 |
| vs.   | ) |           |
|   | ) |           |
| LVNV FUNDING, LLC,<br>ALEGIS GROUP, LLC, and<br>RESURGENT CAPITAL SERVICES, LP, | ) | ORDER     |
|   | ) |           |
| Defendants.   | ) |           |

This matter is before the court *sua sponte*, pursuant to [NECivR](#) 41.1, which states in pertinent part: “The court may at any time dismiss an action for lack of prosecution when it appears it is not being prosecuted with reasonable diligence.” The record reveals the complaint was filed on October 21, 2008, and service of the summons was executed on the defendants on October 27, 2008. **See** Filing No. [1](#) - Complaint; Filing Nos. [10](#), [11](#), [14](#) - Summonses Returned. No other action has taken place in this matter. It remains the plaintiff’s duty to go forward in prosecuting the case by, for example, filing a motion for the Clerk’s entry of default pursuant to [Fed. R. Civ. P. 55](#) and [NECivR](#) 55.1(a). Upon consideration,

**IT IS ORDERED:**

The plaintiff has until the close of business **on December 30, 2008**, to file a motion for Clerk’s entry of default or show cause why this case should not be dismissed for failure to prosecute the defendants.

DATED this 5th day of December, 2008.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge