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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

REX STUART KNUTSON,	)	**CASE NO. 8:09CV64**
	)	
Plaintiff,	)	
	)	
v.	)	**MEMORANDUM**
	)	**AND ORDER**
UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

This matter is before the court on its own motion. On April 6, 2009, the court conducted an initial review of the Complaint and permitted Plaintiff's claims to proceed to service. (Filing No. 6.) Plaintiff had 120 days, or until August 4, 2009, to complete service of process. (*Id.*) Plaintiff has never returned a completed summons form to the Clerk of the court for service on Defendant, and Defendant has not been served with summons. (*See* Docket Sheet.) On August 17, 2009, the court gave Plaintiff until September 14, 2009, to show cause why this case should not be dismissed due to Plaintiff's failure to serve Defendants. (Filing No. 7.) Plaintiff has not responded to the court's previous Memorandum and Order.

IT IS THEREFORE ORDERED that:

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

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

DATED this 19th day of October, 2009.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge

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