

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

HOWARD BANNISTER,)	CASE NO. 8:09CV125
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
LNU, Police Chief, and OMAHA)	
POLICE OFC'S, Unknown,)	
)	
Defendants.)	

This matter is before the court on its own motion. On August 10, 2009, the court permitted Plaintiff's claims to proceed against Defendants Lnu and Unknown Officers. (Filing No. [11](#).) Plaintiff had 120 days, or until December 1, 2009, to complete service of process. ([Id.](#)) Plaintiff failed to complete service of process by this date. (See Docket Sheet.)

On December 16, 2009, the court granted Plaintiff until January 5, 2010, to show cause why this case should not be dismissed for failing to complete service of process. (Filing No. [12](#).) In doing so, the court warned Plaintiff that if he failed to respond and show good cause, this matter would be dismissed without prejudice and without further notice. ([Id.](#)) It is now January 11, 2010, and Plaintiff has failed to respond. (See Docket Sheet.)

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 14th day of January, 2010.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge

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