

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

<p>PAUL CASTONGUAY, SR.,</p> <p style="padding-left: 100px;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>DOUGLAS COUNTY CORRECTION (MEDICAL DEPARTMENT),</p> <p style="padding-left: 100px;">Defendant.</p>)))))))))))	<p>CASE NO. 8:09CV232</p> <p align="center">MEMORANDUM AND ORDER</p>
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This matter is before the court on its own motion. On September 2, 2009, 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. [12](#).) The court permitted Plaintiff the opportunity to amend his Complaint “to sufficiently allege a claim against Douglas County in accordance with the *Jane Doe* standard.” (*Id.* at CM/ECF p. 4.) Plaintiff thereafter submitted a document styled “Memorandum and Order,” which the court liberally construes as an Amended Complaint. (Filing No. [14](#).) The court has carefully reviewed the Amended Complaint. The Amended Complaint merely restates the allegations of the original Complaint and notes that the actions originally complained of are continuing. However, the Amended Complaint does not cure any of the pleading deficiencies, as set forth by the court in its September 2, 2009, Memorandum and Order.

IT IS THEREFORE ORDERED that:

1. This matter is dismissed without prejudice for failure to prosecute diligently and for failure to comply with the court’s orders; and

2. A separate judgment will be entered in accordance with this Memorandum and Order and the court's September 2, 2009, Memorandum and Order.

DATED this 2nd day of February, 2010.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge

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