

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ROBERT D. MAWHINEY, ) 8:09CV421  
 )  
 Plaintiff, )  
 )  
 v. ) **MEMORANDUM  
 AND ORDER**  
 )  
 SKYLARK MEATS, LLC, )  
 )  
 Defendant. )

This matter is before the court on its own motion. On March 3, 2010, Defendant filed a Suggestion of Death, stating that Plaintiff “died on or about January 24, 2010.” (Filing No. [12](#).) The court then entered a Memorandum and Order permitting Plaintiff’s survivors until June 2, 2010, “to submit an appropriate motion for substitution.” (Filing No. [13](#).) The court warned that “[i]f no motion is filed, this matter will be dismissed.” (*Id.*) No motion for substitution has been filed.

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.

June 7, 2010.

BY THE COURT:

  
United States District Judge