

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:

Richard G. K. qf
United States District Judge