

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MICHAEL HOLLINGSWORTH,)
)
Plaintiff,)
)
v.)
)
NEBRASKA FOOD BANK)
NETWORK, INC., The,)
)
Defendant.)

8:10CV121

**MEMORANDUM
AND ORDER**

This matter is before the court on its own motion. On January 3, 2011, Defendant filed a Motion to Compel Discovery, Brief in support of Motion, and Index in support of Motion (filing nos. [26](#), [27](#), and [28](#)) in which Defendant sought to compel Plaintiff to respond to discovery requests. On January 18, 2011, the court granted Defendant’s Motion and ordered that Plaintiff respond to Defendant’s discovery requests by February 7, 2011. (Filing No. [29](#) at CM/ECF p. 1.) Plaintiff was advised that failure to respond by February 7, 2011, would result in claims against Defendant being dismissed without prejudice and without further notice. (*Id.*) To date, Plaintiff has not responded to this court’s order in any way. *See, e.g.,* [NECivR 36.1\(c\)](#) (requiring a party responding to a request for admission to file a certificate of service upon serving answers or objections). Because Plaintiff has failed to comply with the court’s directive,

IT IS THEREFORE ORDERED that Plaintiff’s action is dismissed without prejudice. Judgment shall be entered by separate document.

March 9, 2011.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge