

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

TRISTAN HARPER,	)	
	)	
Plaintiff,	)	8:11CV30
	)	
v.	)	
	)	
DOES 1-5, inclusive,	)	MEMORANDUM AND ORDER
	)	
Defendants.	)	
_____	)	

In the Memorandum and Order on Defendants’ Motion to Dismiss dated May 31, 2011, I wrote,

Given the complaint’s deficiencies, and in light of the plaintiff’s failure to respond to the defendants’ motion to dismiss, it seems to me that a dismissal of the entire complaint is warranted. Nevertheless, I shall grant the plaintiff leave to file a motion to amend the complaint. This motion to amend must be filed within twenty days of the date of this memorandum and order, and it must be accompanied by a copy of the amended complaint that the plaintiff proposes to file. See NECivR 15.1(a). The proposed amended complaint must identify all defendants in its caption; specify whether the defendants are sued in their official capacity, individual capacity, or both; and clearly specify whether any prospective relief is sought. If the plaintiff does not file a motion to amend within twenty days, this action will be dismissed by me, sua sponte.

(Mem. & Order at 11, ECF No. 7.)

More than twenty days have elapsed since the date of that order, and the plaintiff has not filed a motion to amend his complaint. Nor has he filed a motion requesting an extension of the deadline.<sup>1</sup>

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<sup>1</sup> On June 20, 2011, a representative from the plaintiff’s attorney’s office asked my staff to contact him to discuss whether the plaintiff might be granted more time to comply with the May 31, 2011, memorandum and order. The plaintiff’s attorney’s office was advised to file a

For the reasons explained more fully in the Memorandum and Order on Defendants' Motion to Dismiss,

**IT IS ORDERED** that the plaintiff's complaint, ECF No. 1, is dismissed without prejudice.

Dated June 30, 2011.

BY THE COURT

s/ Warren K. Urbom  
United States Senior District Judge

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motion requesting an extension.