

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BILLY TYLER,)
)
Plaintiff,)
)
v.)
)
UNKNOWN MAYO, deputy U.S.)
Marshals, and UNKNOWN LEWIS, deputy)
U.S. Marshals,)
)
Defendants.)

8:11CV167

**MEMORANDUM
AND ORDER**

This matter is before the court on its own motion. On July 15, 2011, the court conducted an initial review of Plaintiff’s Complaint and concluded that it failed to state a claim upon which relief may be granted. (Filing No. [9](#).) However, the court gave Plaintiff the opportunity to file an amended complaint. (*Id.* at CM/ECF pp. 4-5.) In doing so, the court warned Plaintiff that if he failed to file an amended complaint by August 15, 2011, his claims would be dismissed without further notice. (*Id.*) Plaintiff failed to file an amended complaint by the court’s deadline. (*See* Docket Sheet.)

IT IS THEREFORE ORDERED that:

1. This matter is dismissed without prejudice because Plaintiff failed to prosecute this matter diligently and failed to comply with this court’s orders.
2. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 24th day of August, 2011.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge

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