

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

OCCUPY OMAHA, an	)	8:11CV384
unincorporated organization, and	)	
JAMES DEAN FOLEY, et al.,	)	
	)	
Plaintiffs,	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
v.	)	
	)	
JIM SUTTLE, et al.,	)	
	)	
Defendants.	)	

This matter is before the court on its own motion. On November 14, 2011, Plaintiffs filed their Motion for Temporary Restraining Order and Memorandum of Law in Support of Motion. (Filing No. 1.) The Clerk of the court docketed this Motion as a Complaint, however no complaint was ever filed. (*Id.*) On December 14, 2011, Plaintiffs moved to withdraw their Motion for Temporary Restraining Order, which the court granted. (Filing Nos. 8 and 9 (text-only order).)

On January 20, 2012, the court entered a Memorandum and Order requiring Plaintiffs to file a complaint no later than February 17, 2012. (Filing No. 10.) The court warned Plaintiffs that failure to file a complaint would result in dismissal of this matter “without prejudice and without further notice.” (*Id.*) Plaintiffs have not filed a complaint, nor have they filed any other response to the court’s February 17, 2012, Memorandum and Order.

IT IS THEREFORE ORDERED that:

1. This matter is dismissed without prejudice for failure to prosecute diligently.

2. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 29<sup>th</sup> day of February, 2012.

BY THE COURT:

s/ Joseph F. Bataillon  
United States District Judge