

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ANTHONY P. PURDY, and)
 LASHAWN WILLIAMS,)
)
 Plaintiffs,)
)
 v.)
)
 HUBBARD, et al.,)
)
 Defendants.)

8:12CV192

**MEMORANDUM
AND ORDER**

This matter is before the court on its own motion. On August 31, 2012, the court conducted an initial review of Plaintiff’s Complaint and found that it failed to state a claim upon which relief may be granted. (Filing No. [12](#).) The court gave Plaintiff the opportunity to amend his claims, but warned Plaintiff that if he failed to amend his Complaint by October 1, 2012, his Complaint “will be dismissed without further notice for failure to state a claim upon which relief may be granted.” (*Id.* at CM/ECF p. 3.) Plaintiff has failed to file an amended complaint. (*See* Docket Sheet.)

IT IS THEREFORE ORDERED that:

1. Pursuant to [28 U.S.C. § 1915](#), Plaintiff’s Complaint (filing no. [1](#)) is dismissed without prejudice because it fails to state a claim upon which relief may be granted.
2. A separate judgment will be entered in accordance with this Memorandum and Order.
3. The Clerk of the court is directed to place the “28USC1915(g)_STR” flag on this matter.

DATED this 20th day of November, 2012.

BY THE COURT:

s/ John M. Gerrard

United States District Judge

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