

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

BILLY TYLER, on behalf of himself, )  
his grandchildren, and all similarly )  
situated, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
EPA, )  
 )  
Defendant. )

8:12CV388

**MEMORANDUM  
AND ORDER**

This matter is before the court on its own motion. On February 19, 2013, the court determined that Plaintiff had failed to allege sufficient facts to state a claim upon which relief could be granted. (Filing No. [5](#).) 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 March 19, 2013, his claims would be dismissed without further notice. (*Id.*) The court’s March 19, 2013, deadline has passed and Plaintiff has failed to file an amended complaint. (*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 25th day of March, 2013.

BY THE COURT:

*s/ John M. Gerrard*

United States District Judge

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