

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ALEXANDER LUND,

Plaintiff,

vs.

MICHAEL MATTHEWS, M.D.,
SIDNEY MEDICAL ASSOCIATES,
and CHEYENNE COUNTY
HOSPITAL ASSOCIATION, INC.,

Defendants.

8:13CV144

ORDER

This matter comes before the court after a review of the court file and pursuant to NECivR 41.2, which states in pertinent part: “At any time, a case not being prosecuted with reasonable diligence may be dismissed for lack of prosecution.”

In this case the complaint was filed on May 3, 2013. **See** Filing No. 1. On May 24, 2013, the plaintiff sought and received summonses for all three defendants. **See** Filing Nos. 3-4. On June 4, 2013, the plaintiff filed notice of serving the defendant Sidney Medical Associates. **See** Filing No. 7. Counsel entered an appearance for the other two defendants, who have filed an answer and participated in the progression of this case. **See, e.g.**, Filing No. 8. These defendants state “there is no entity known as or named Sidney Medical Associates.” *Id.* ¶ 10. The defendant Sidney Medical Associates has not entered an appearance or filed an answer in this matter. The plaintiff has taken no other action against the defendant Sidney Medical Associates. It remains the plaintiff’s duty to go forward in prosecuting the case against each defendant. The plaintiff may, for example, file a motion for clerk’s entry of default pursuant to Fed. R. Civ. P. 55 and NECivR 55.1(a) or voluntarily dismiss the non-participating defendant, as appropriate. Under the circumstances, the plaintiff must make a showing of good cause for failure to prosecute the defendant Sidney Medical Associates or the action must be dismissed against it. Accordingly,

IT IS ORDERED:

The plaintiff has until the close of business on **February 28, 2014**, to show cause why this case should not be dismissed as against the defendant Sidney Medical Associates for failure to prosecute or take some other appropriate action.

Dated this 4th day of February, 2014.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge