

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**WILMINGTON TRUST, N.A., as
Trustee for the VM Trust Series 1,**

Plaintiff,

vs.

**SHARYL A. MASON and
FBL FINANCIAL GROUP, INC.,
d/b/a Farm Bureau Financial
Services**

Defendants.

8:15CV296

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 August 7, 2015. **See** Filing No. 1. Also on August 7, 2015, the plaintiff sought and received summonses for the defendants. **See** Filing Nos. 3-4, 6. On August 12, 2014, the plaintiff filed notice of serving both defendants on August 10, 2015. **See** Filing Nos. 7-8. On August 26, 2015, the plaintiff filed a second notice indicating service on the defendant Sharyl A. Mason on August 22, 2015. **See** Filing No. 10. The plaintiff has taken no other action against the defendants. It remains the plaintiff’s duty to go forward in prosecuting the case against the defendants. 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 defendants, as appropriate. Under the circumstances, the plaintiff must make a showing of good cause for failure to prosecute the defendants or the action must be dismissed against them. Accordingly,

IT IS ORDERED:

The plaintiff has until the close of business on **October 9, 2015**, to show cause why this case should not be dismissed against the defendants for failure to prosecute or take some other appropriate action.

Dated this 21st day of September, 2015.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge