

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

**UNITED STATES OF AMERICA,
for the use and benefit of
ASP ENTERPRISES, INC.,**

Plaintiff,

vs.

**THE HANOVER INSURANCE
COMPANY,**

Defendant.

8:16CV319

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 plaintiff filed the complaint on June 30, 2016. **See** Filing No. 1. On July 1, 2016, the plaintiff sought and received summons for the defendant. **See** Filing Nos. 4-5. On July 7, 2016, the plaintiff filed notice of serving the defendant. **See** Filing No. 6. The plaintiff has taken no other action against the defendant. It remains the plaintiff’s duty to go forward in prosecuting the case against the 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 complaint, as appropriate. Under the circumstances, the plaintiff must make a showing of good cause for failure to prosecute the defendant or the action must be dismissed. Accordingly,

IT IS ORDERED:

The plaintiff has until the close of business on **September 14, 2016**, to show cause why this case should not be dismissed for failure to prosecute or take some other appropriate action.

Dated this 29th day of August, 2016.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge