

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

**CANNING LOGISTICS SERVICES, LLC,**

**Plaintiff,**

**vs.**

**BAXTER BAILEY & ASSOCIATES, INC.,  
a Mississippi Corporation; JT REESOR,  
and PAUL FOWLER,**

**Defendants.**

**8:17CV116**

**MEMORANDUM  
AND ORDER**

This matter is before the Court on the Findings and Recommendation, ECF No. 60, of Magistrate Judge Michael D. Nelson. On September 12, 2017, counsel for Plaintiff was permitted to withdraw from this action. In its order, the Court stated that “[i]f substitute counsel [for Plaintiff] does not enter an appearance by October 10, 2017, the Court may dismiss the instant action without further notice.” ECF No. 56, Page ID 516. Counsel did not enter an appearance by October 10, 2017, and no one appeared for Plaintiff at the planning conference on October 13, 2017. Given that Plaintiff failed to comply with the Court’s Order, Judge Nelson recommended that the action be dismissed without prejudice. ECF No. 60, Page ID 521. Plaintiff has not objected to the Findings and Recommendation or otherwise attempted to prosecute this case. The Court will adopt the Findings and Recommendation in their entirety and the action will be dismissed, without prejudice. Accordingly,

IT IS ORDERED:

1. The Findings and Recommendation, ECF No. 60, are adopted;
2. Any other pending motions are terminated; and
3. The above-captioned action is dismissed, without prejudice.

Dated this 29th day of November, 2017.

BY THE COURT:

s/Laurie Smith Camp  
Chief United States District Judge