

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DANIEL C. TANNER,

Plaintiff,

vs.

ROLLING RIVER, LLC, in personam; and  
THE VESSEL RIVER CITY STAR, in rem;

Defendants.

**8:17CV337**

**ORDER TO SHOW CAUSE**

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

Plaintiff commenced this action on September 15, 2017 ([Filing No. 1](#)), and the Clerk of Court issued summons for both defendants on September 21, 2017. ([Filing No. 9](#); [Filing No. 11](#)). Following a show cause order ([Filing No. 14](#)), on December 22, 2017, Plaintiff filed proof of service on the defendants. ([Filing No. 15](#)). According to the proof of service provided by Plaintiff, the defendants were served by certified mail received on December 13, 2017. No further action has taken place in this case and neither defendant has appeared or filed any responsive pleading. Plaintiff has a duty to prosecute the case against the defendants. The plaintiff may, for example, seek default in accordance with the applicable rules, or take other action as appropriate. Under the circumstances, Plaintiff must make a showing of good cause for failure to prosecute or the action must be dismissed. Accordingly,

**IT IS ORDERED:** On or before **February 23, 2018**, Plaintiff must show cause why this case should not be dismissed for failure to prosecute or take some other appropriate action.

Dated this 31<sup>st</sup> day of January, 2018.

BY THE COURT:

s/ Michael D. Nelson  
United States Magistrate Judge