



IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

MICHAEL OMAIR,

Plaintiff,

vs.

DOUGLAS COUNTY, NEBRASKA;
DOUGLAS COUNTY SHERIFF'S
OFFICE; DOUGLAS COUNTY
SHERIFF TIM DUNNING, in his
Official and individual capacity:
DEPUTY EDWARD VAN BUREN,
in his official and individual
capacity,

Defendant.

CI 10-9390664
DOC: 1110 NO: 291

ORDER

#13 FILED
IN DISTRICT COURT
DOUGLAS COUNTY NEBRASKA
MAR 20 2017
JOHN M. FRIEND
CLERK DISTRICT COURT

This matter comes on for hearing on the Court's own Motion requiring the parties to Show Cause why the above-captioned matter should not be dismissed for failure to prosecute and for failure to comply with local District Court Rules. The Court finds that the action was filed on August 16, 2010. The Court filed an Order dismissing the 5th, 6th and 9th Causes of Action on July 24, 2013. The Court notes that the case has been pending as of the date of this hearing 2,204 days. At the Show Cause hearing Plaintiff's Counsel asked for further time but was unable to provide any legal reason why the cause should not be dismissed for lack of prosecution. Other than an allegation that Counsel lost contact with the Plaintiff for a period of time (unspecified).

"The plaintiff bears the responsibility to prosecute a case with reasonable diligence. In the absence of a showing of good cause, a litigant's failure to

prosecute a civil action, resulting in noncompliance with the Nebraska Supreme Court's progression standards for civil actions in district courts, is a basis to dismiss an action on account of a lack of diligent prosecution."

Marcuzzo v. Bank of the West, 290 Neb. 809, 825-26, 862 N.W.2d 281, 293 (2015).

"The district court has the inherent power to dismiss a case for failure to prosecute with due diligence." Marcuzzo, supra; see also Billups v. Jade, Inc., 240 Neb. 494, 482 N.W.2d 269 (1992) (case dismissed after it was twice placed on the dismissal docket after months of inactivity in the litigation, but apparently escaped dismissal solely on the basis that the plaintiff would diligently prosecute the action).

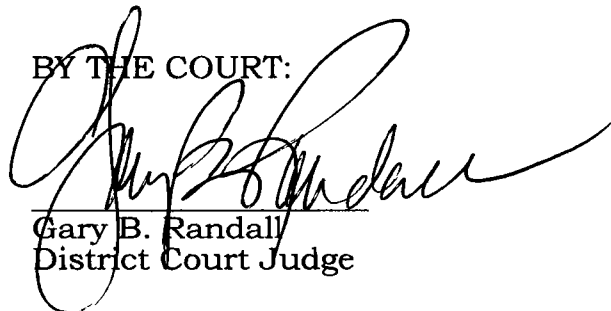
Plaintiff filed his complaint in this matter on August 16, 2010.

The Court finds in the interest of justice and in compliance with case progression standards the above-captioned matter should be dismissed.

IT IS SO ORDERED.

Dated this 16th day of March, 2017

BY THE COURT:



Gary B. Randall
District Court Judge

cc: Ronald Reagan
Richard W. Whitworth
Tim Dolan, DCA

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CERTIFICATE OF SERVICE

I, the undersigned, certify that on March 20, 2017 , I served a copy of the foregoing document upon the following persons at the addresses given, by mailing by United States Mail, postage prepaid, or via E-mail:

Richard W Whitworth
rick@rmdlaw.net

Meghan M Bothe
meghan.bothe@douglascounty-ne.gov

Date: March 20, 2017

BY THE COURT:

John M. Friend
CLERK

