

**IN THE DISTRICT COURT OF HOLT COUNTY, NEBRASKA**

**JAMES WIDTFELDT,**  
Plaintiff,

vs.

**DIANE BUTTS,**  
Defendant.

Case No. CI99-179

**DISMISSAL FOR LACK  
OF JURISDICTION**

**DATE OF HEARING:** no hearing held.

**APPEARANCES:** none.

**SUBJECT OF ORDER:** Dismissal for lack of jurisdiction on the court’s own motion.

**FINDINGS:** The Court finds that: (1) the petition states an appeal under § 84-917 of the Administrative Procedures Act; (2) the plaintiff failed to cause summons to be served within 30 days of the filing of the petition as required by § 84-917(2)(a), which is mandatory and jurisdictional; and, (3) the court accordingly lacks jurisdiction over the appeal, which must therefore be dismissed. See, e.g., *Northern States Beef v. Stennis*, 2 Neb. App. 340, 509 N.W.2d 656 (1993).

**ORDER:** IT IS THEREFORE ORDERED:

1. The petition on appeal is dismissed for lack of jurisdiction.
2. Costs taxed to: plaintiff.

Dated: January 13, 2000.

If checked, the Court Clerk shall:

- Mail a copy of this order to all counsel of record and to any pro se parties.  
Done on \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_.
- Enter judgment on the judgment record.  
Done on \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_.
- Mail postcard/notice required by § 25-1301.01 within 3 days.  
Done on \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_.
- Note the decision on the trial docket as: Signed “Dismissal for Lack of Jurisdiction” entered.  
Done on \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_.

Mailed to:

**BY THE COURT:**

\_\_\_\_\_  
**William B. Cassel**  
District Judge