

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

FRANK J. NIELANDER,)

)

Plaintiff,)

v.)

)

Case No. 06-2013-JAR

BOARD OF COUNTY COMMISSIONERS OF)

THE COUNTY OF REPUBLIC, KANSAS,)

MARK NORDELL, JOSHUA PEREZ,)

BETH REED, and FRANK SPURNEY in his)

individual capacity and in his official capacity)

as the REPUBLIC COUNTY ATTORNEY,)

)

Defendants.)

**AMENDED MEMORANDUM AND ORDER
DIRECTING ENTRY OF JUDGMENT**

This matter comes before the Court on Defendant’s Motion for Rule 60(a) Relief (Doc. 103) and the Tenth Circuit Court of Appeals’ Order of December 2, 2008 (Doc. 104) granting this Court leave to rule on the Defendants’ motion. The Court finds that good cause exists and hereby orders that its Memorandum and Order (Doc. 93) be amended and clarified by eliminating the final two sentences on page 8 of that Order and replacing them with the following:

IT IS THEREFORE ORDERED that the Defendants’ Motion for Summary Judgment (Doc. 59) is **GRANTED** as to all federal claims. **IT IS FURTHER ORDERED** that Defendants’ Motion for Summary Judgment is **GRANTED** as to all state claims against Defendants Beth Reed and Joshua Perez.

Defendant Spurney's Motion to Dismiss all state and federal claims against him has previously been granted.

IT IS FURTHER ORDERED that Plaintiff's only remaining claims, state law malicious prosecution and conspiracy against Nordell and Republic County, are dismissed without prejudice.

THE COURT FURTHER DIRECTS the Clerk of Court to enter an Amended Entry of Judgment (Doc. 94) to enter judgment in accordance with the foregoing.

IT IS SO ORDERED.

Dated: December 17, 2008

S/ Julie A. Robinson
JULIE A. ROBINSON
UNITED STATES DISTRICT JUDGE

Respectfully submitted by:

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