UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

KIA MAXWELL, Individually and as Next Friend of Takia Durrett, a minor, and Bryan Ross, a minor,

Plaintiff,

VS

Case No. 2:08-cv-11326

DARREN DODD and FIVE UNKNOWN AGENTS OF THE UNITED STATES SECRET SERVICE A/K/A JOHN DOE and OFFICER A. ROESKE and SGT. SMITHOF THE STERLING HEIGHTS POLICE DEPARTMENT,

Hon. Patrick J. Duggan

Defendants.

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STIPULATED ORDER OF DISMISSAL OF ALL CLAIMS AGAINST OFFICER A. ROESKE AND SERGEANT SMITH OF THE STERLING HEIGHTS POLICE DEPARTMENT

This matter having been stipulated to by counsel for all parties and the Court

being otherwise fully advised in the premises;

IT IS ORDERED that Plaintiff's claims filed against Defendants Roeske and

Smith under 42 USC § 1983 in their official capacity, Count III of Plaintiff's amended

Complaint referring to the Fourteenth Amendment of the United States Constitution, and

the State of Michigan claims IV-VII are dismissed against Defendants Roeske and Smith

without prejudice.

Dated: October 27, 2008

s/PATRICK J. DUGGAN

U.S. District Court Judge

Approved for entry:

<u>s/ Rex A. Burgess</u>

Rex A. Burgess, P42779

Attorney for Plaintiff

_w/ consent of Donald P. DeNault, Jr.

Donald P. DeNault, Jr., P55788

Attorney for Defendants Roeske and Smith