

or "meeting of the minds." See Smith v. Bacon, 699 F.2d 434, 436-37 (8th Cir. 1983). The conspiracy allegations are dismissed without prejudice.

Accordingly, IT IS ORDERED that:

1. Defendants' motion to dismiss [Docket No. 18] is granted in part and denied in part. Defendants' alternative motion for summary judgment is denied.
2. Count IV, alleging conspiracy, is dismissed without prejudice.
3. Count VI, alleging an equal protection claim, is dismissed with prejudice.
4. The demand for punitive damages is stricken from the Complaint.

Dated: September 8, 2009

s/ JAMES M. ROSENBAUM
JAMES M. ROSENBAUM
United States District Judge