

**FILED**

**NOV 28 2017**

**Clerk, U.S. District Court  
District Of Montana  
Missoula**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

JOHN HARTSOE,

Plaintiff,

vs.

STATE OF MONTANA, et al.,

Defendants.

CV 16-87-M-DLC-JCL

ORDER

Before the Court is Defendant Michael Umphrey's ("Umphrey") Motion to Dismiss (Doc. 104) the claims advanced against him for, among other things, lack of subject matter jurisdiction. By document filed November 20, 2017 (Doc. 106), Plaintiff John Hartsoe advises the Court that he concedes the propriety of Umphrey's Motion. Therefore,

IT IS ORDERED that:

- (1) Umphrey's Motion to Dismiss (Doc. 104) is GRANTED;
- (2) Hartsoe's related Motion to Dismiss (Doc. 106) is DENIED as moot;

and

- (3) Umphrey's renewed Motion to Dismiss (Doc. 108) is DENIED as moot.

DATED this 28<sup>th</sup> day of November, 2017.



Dana L. Christensen, Chief Judge  
United States District Court