

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

MAX ALLEN,)
)
Plaintiff,)
)
v.)
)
SANTEE COMMUNITY SCHOOL and)
MORRIS BATES, Individually and as)
Superintendent of Santee Community)
Schools,)
)
Defendants.)

CASE NO. 4:07CV3131

ORDER

This matter is before the Court on the Plaintiff's Motion for New Trial (Filing No. 63) and Motion for Attorney Fees (Filing No. 64).

The Court concludes that there was no error in proceedings warranting a new trial, and that the Plaintiff, Max Allen, was in no respect a prevailing party in this case, warranting the award of any attorney fees.

Accordingly,

IT IS ORDERED:

1. The Plaintiff Max Allen's Motion for New Trial (Filing No. 63) is denied; and
2. The Plaintiff Max Allen's Motion for Attorney Fees (Filing No. 64) is denied.

DATED this 28th day of April, 2009.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge