

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JAMES E. SHERROD, )  
)  
Petitioner, )  
)  
v. )  
)  
NEBRASKA, STATE OF, and )  
ROBERT HOUSTON, Director, State )  
of Nebraska Correctional Services )  
(DCS), )  
)  
Respondents. )

4:07CV3216

**MEMORANDUM  
AND ORDER**

This matter is before the court on the respondent’s Objection to Petitioner’s Motion to Amend Brief. (Filing No. [69](#).) The respondent’s objection is denied as moot.

On January 21, 2009, the petitioner filed a Motion to Amend Brief. (Filing No. [64](#).) On February 23, 2009, the court granted the petitioner’s Motion to Amend Brief, but only to the extent shown in his motion. (Filing No. [66](#) at CM/ECF p. 15.) Subsequently, the respondent objected to the petitioner’s Motion to Amend Brief. (Filing no. [69](#).) Because the court had already granted the petitioner’s motion, the respondent’s objection is denied as moot.

IT IS THEREFORE ORDERED that the respondent’s Objection to Petitioner’s Motion to Amend Brief (filing no. [69](#)) is denied as moot.

Dated June 10, 2009.

BY THE COURT

s/ Warren K. Urbom  
United States Senior District Judge