

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

STELLA M. OJEDA,)	
)	
Plaintiff,)	4:08CV3067
)	
v.)	
)	
CITY OF SCOTTSBLUFF, a)	ORDER
political subdivision of the)	
State of Nebraska,)	
SCOTTSBLUFF POLICE)	
DEPARTMENT, CHIEF ALEX)	
MORENO, SGT. PHIL ECKERBERG,)	
SGT. SHAWN McFARLAND, SGT.)	
PHIL MARTINDALE, CAPT. KEVIN)	
SPENCER, sued in their)	
individual and professional)	
capacities,)	
)	
Defendants.)	
)	

IT IS ORDERED:

The parties' Joint Motion for Withdrawal of Defendants' Motion to Strike and for Leave to Amend First Amended Complaint Instante, filing [33](#), is granted, and

1. Defendants' motion to dismiss, filing [26](#), is withdrawn.
2. Plaintiff's First Amended Complaint, filing [25](#), is deemed amended instante to strike the Fifth, Sixth, and Seventh Causes of Action.

DATED September 16, 2008.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge