

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

SHIRLEY L. PHELPS-ROPER,)	CASE NO. 4:09CV3268
)	
Plaintiff,)	
)	
v.)	ORDER
)	
DAVE HEINEMAN, et al.,)	
)	
Defendants.)	

This matter is before the Court on the Motion for Preliminary Injunction (Filing No. 5) filed by Plaintiff Shirley L. Phelps-Roper against all Defendants. The Court dismissed Counts III through VIII of the Amended Complaint (Filing No. 17) in its Order of April 19, 2010. (Filing No. 93.) Thus, Plaintiff's Motion for Preliminary Injunction will be denied as moot to the extent it seeks to enjoin acts alleged in Counts III through VIII. Further, Plaintiff has indicated to the Court that Counts I and II apply to Defendants Heineman, Bruning, Curry, McPhillips, Cox, Brueggemann, Kleine, Hays, Stacey, and Polikov. Because the remaining claims do not apply to Defendants Smith, Mizner, Houloose, Troutman, Mixan, Dammast, or the City of Bellevue, they will be dismissed from this action. Accordingly,

IT IS ORDERED:

1. Plaintiff's claims against Defendants Smith, Mizner, Houloose, Troutman, Mixan, Dammast, and the City of Bellevue are dismissed, without prejudice;
2. Plaintiffs' Motion for Preliminary Injunction (Filing No. 5) is denied as moot as to items c. through h. as listed in Plaintiff's motion;
3. A hearing on the remaining items in Plaintiffs' Motion for Preliminary Injunction (Filing No. 5) is scheduled for Monday, May 10, 2010, at 3:30 p.m.,

before the undersigned in Courtroom No. 2, Third Floor, Roman L. Hruska
United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska, 68102;
and

4. The parties are advised that because of the Court's time limitations, evidence should be submitted in the form of written affidavits or declarations.

DATED this 26th day of April, 2009.

BY THE COURT:

S/Laurie Smith Camp
United States District Judge