

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

NATHAN L. WIGERT,)
)
 Plaintiff,)
)
 v.)
)
 COUNTY OF WEBSTER,)
 NEBRASKA, A political subdivision,)
 and TROY SCHMITZ, in his individual)
 capacity and his official capacity as)
 Sheriff of Webster County, Nebraska,)
)
 Defendants.)

4:10CV3107

MEMORANDUM AND ORDER

Pursuant to the joint stipulation of the parties, (filing no. 47),

IT IS ORDERED:

- 1) The defendant has waived and is not entitled to recover costs in this action, and
- 2) The plaintiff has waived and is not entitled to appeal the court's May 6, 2011 Memorandum and Order and Judgment in favor of the defendant.

DATED this 6th day of June, 2011.

BY THE COURT:

s/ Cheryl R. Zwart
 United States Magistrate Judge