

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

NATHANIEL JACKS,

Plaintiff,

vs.

STATE OF NEBRASKA, STEVE WILSON, individually and in his official capacity as Protection and Safety Program Specialist for the Nebraska Department of Health and Human Services; and KERRY WINTERER, individually and in his official capacity as Chief Executive Officer of the Nebraska Department of Health and Human Services;

Defendants.

4:14CV3215

**ORDER OF DISMISSAL
AND REMAND**

This matter is before the Court on the Voluntary Dismissal without Prejudice and Motion to Remand (Filing No. 12) submitted by Plaintiff Nathaniel Jacks (“Plaintiff”). Plaintiff seeks dismissal of Counts II and III of his Complaint (Filing No. 1-1), and requests that the Court remand the remaining state tort claim, Count I, to the District Court of Lancaster County, Nebraska. Defendants do not object to Plaintiff’s requests. In accordance with Fed. R. Civ. P. 41(a)(2), the Court concludes that Plaintiff’s motion should be granted; Counts II and III of his Complaint should be dismissed without prejudice; and this matter should be remanded to state court. Accordingly,

IT IS ORDERED:

1. Counts II and III of Plaintiff’s Complaint (Filing No. 1-1) are dismissed without prejudice;
2. All other pending motions are terminated as moot; and

3. This matter is remanded to the District Court of Lancaster County, Nebraska,
for further proceedings.

Dated this 26th day of January, 2015

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge