

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

<b>JULIUS GONZALEZ,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>8:06CV537</b>
	)	
<b>vs.</b>	)	<b>ORDER</b>
	)	
<b>EAGLE PARTS &amp; PRODUCTS and</b>	)	
<b>HOME DEPOT U.S.A., INC.,</b>	)	
	)	
<b>Defendants.</b>	)	

This matter is before the court on the plaintiff’s Objections to Defendant’s Request for Trial in Lincoln, Nebraska (Filing No. 4). Nebraska local rule, NECivR 40.1(b) provides:

The . . . removing party at the time of filing a petition for removal shall make written request for trial of the case at Omaha, Lincoln, or North Platte. . . . [T]he plaintiff in a removed action within ten (10) days after service of the notice of removal, may file a written request for trial at Omaha, Lincoln, or North Platte. If the request is for a place different from that requested by the . . . removing party, it must be accompanied by a supporting affidavit.

NECivR 40.1(b).

The defendant filed the notice of removal on August 8, 2006. **See** Filing No. 1. The defendant also made a written request for place of trial to be Lincoln, Nebraska. **See** Filing No. 3. However, before the notice of place of trial was filed, the case was calendared for trial in Omaha “in the city where the clerk’s office receiving the case for filing is located.” **See** NECivR 40.1(c). Accordingly,

**IT IS ORDERED:**

The defendants shall have **until August 24, 2006**, to file a response to the plaintiff’s objection.

DATED this 11th day of August, 2006.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge