

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

NICHOLAS SAMPSON,)	
)	8:07CV155
Plaintiff,)	
)	
v.)	ORDER
)	
EARL SCHENCK, et al.,)	
)	
Defendants.)	
)	

This matter is before the court on its own motion. The plaintiff was recently granted leave to amend his complaint to add parties. Filing No. [228](#), Order; Filing No. [230](#), Amended Complaint. This is an action for deprivation of constitutional rights brought pursuant to 42 U.S.C. § 1983. In their brief opposing plaintiff's motion to amend, defendants stated that they would seek leave to amend their pending motions for summary judgment if the amended complaint were filed. See Filing No. [210](#), Brief at 6. Accordingly, the court finds the motions for summary judgment should be denied as moot without prejudice to refiling. Deadlines for progression of the case will be amended by the magistrate judge in due course.

IT IS ORDERED the defendant's motions for summary judgment (Filing Nos. [103](#) and [106](#)) are denied as moot, without prejudice to reassertion.

DATED this 8th day of June, 2009.

BY THE COURT:

s/ Joseph F. Bataillon

Chief United States District Judge