

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JAMES L. FISHER, MYRTLE)
HUMPHREY, and MICHELLE)
GABARA,)

Plaintiffs,)

V.)

TOVEY GOYNES, In his official and)
individual capacities, JAMES W.)
MCKENZIE, In his official and)
individual capacities, ROBERT P.)
HOUSTON, In his official and)
individual capacities, and RYAN)
MAHR, In his individual and official)
capacities,)

Defendants.)

8:07CV378

ORDER

Defendants filed a motion for summary judgment in this case ([filing 100](#)). Upon reviewing the record, it appears to the court that proceedings may be underway in the District Court of Douglas County, Nebraska which may affect this court’s jurisdiction. In Defendants’ brief in support of their motion for summary judgment, Defendants state that on July 31, 2009, the Douglas County District Court entered a temporary order releasing Plaintiff James Fisher (“Fisher”) from complying with [Neb. Rev. Stat. § 83-174.03](#). ([Filing 102](#)). Because the question of whether [Neb. Rev. Stat. § 83-174.03](#) is applicable to Fisher is generally at issue in this litigation, the court requires further information concerning the status and nature of the state court proceeding.

Accordingly,

IT IS ORDERED that the parties shall have until December 17, 2009, to provide the court with information regarding the status of *State of Nebraska v. Fisher*, Doc. 103, Page 037 (District Court of Douglas County, Nebraska). Specifically, the court requests evidence, by affidavit or otherwise, generally explaining why a temporary order was entered in the state case relieving Fisher from complying with [Neb. Rev. Stat. § 83-174.03](#).

December 7, 2009.

BY THE COURT:

Richard J. Kopf

United States District Judge