

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

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| STRIDER ROGNIRHAR, |) | 8:08CV51 |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | MEMORANDUM |
| |) | AND ORDER |
| TERRY S. SOUTHERN, or the |) | |
| woman formerly known as such, and |) | |
| TIMOTHY ELARIO, |) | |
| |) | |
| Defendants. |) | |

This matter is before the court on Plaintiff’s “Motion to Proceed” and “Motion to Reconsider Summary Judgment.” (Filing Nos. [64](#) and [65](#).) In Plaintiff’s Motions, Plaintiff asks the court to reconsider its orders from December 4, 2009, and March 10, 2010. On December 4, 2009, the court granted summary judgment in favor of Plaintiff on the basis of liability, but did not grant summary judgment for damages because the factual predicate for any amount of damages was lacking. (Filing No. [53](#) at CM/ECF p. 2.) On March 10, 2010, the court reconsidered its December 4 order, and decided to stay this matter until Plaintiff was released from prison and was able to try the issue of damages or until March 5, 2012, whichever occurred first. (Filing No. [63](#) at CM/ECF p. 2.)

Plaintiff asks the court to reconsider its previous orders because he will not be released from prison for at least another seven years, as his parole was recently denied. (Filing No. [64](#) at CM/ECF p. 2.) Plaintiff argues that further delay will deprive him of the proper administration of justice. (Filing No. [65](#) at CM/ECF p. 5.)

The court has carefully considered Plaintiff’s Motions and finds that the parties should be given one final opportunity to submit briefs addressing the issue of damages.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motions (Filing Nos. [64](#) and [65](#)) are granted to the extent they are consistent with this Memorandum and Order. They are otherwise denied.
2. Plaintiff shall have until **March 30, 2012**, to submit a brief addressing the issue of damages in this matter. Defendants must respond to Plaintiff's brief no later than **April 20, 2012**. If the parties fail to respond, or a response is insufficient, the court may enter judgment for a nominal amount.
3. The court directs the clerk's office to set a pro se case management deadline using the following text: Check for briefing on April 20, 2012.

DATED this 29th day of February, 2012.

BY THE COURT:

Richard G. Kopf
Senior United States District Judge

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