IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

JASEN NICKMAN and MINERVA LAVERNE MONGER, husband and wife,) CASE NO. 8:09CV05)
Plaintiffs,	ORDER OF DISMISSAL
V.)
MICHAEL CHERTOFF, Secretary, United States Department of Homeland Security; EMILIO GONZALEZ, Director, United States Citizenship and Immigration Services; F. GERARD HEINAUER, District Director, United States Citizenship and Immigration Services in Omaha, Nebraska,)))))))))))))
Defendants.	j

This matter is before the Court on the Motions to Dismiss (Filing Nos. 6 and 8) filed separately by the Defendants and the Plaintiffs. Having reviewed the motions, I find that the Plaintiffs' motion should be granted and that the matter should be dismissed under Fed. R. Civ. P. 41(a) without prejudice. Accordingly,

IT IS ORDERED:

- 1. Plaintiff's Motion to Dismiss (Filing No. 8) is granted;
- 2. The Complaint is dismissed without prejudice;
- 3. The Defendants' Motion to Dismiss (Filing No. 6) is denied as moot; and
- 4. The parties shall pay their own costs and attorney fees.

DATED this 4th day of February, 2009.

BY THE COURT:

s/Laurie Smith Camp United States District Judge