IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

HOWARD LANGFORD,)
Plaintiff,)
V.)
ALEGENT HEALTH,)
Defendant.)

8:09CV446

MEMORANDUM AND ORDER

This matter is before the court on its own motion. On February 8, 2010, the court carefully examined the record in this case and the record in Case No. 8:09CV169. (Filing No. <u>6</u>.) After this examination, the court concluded that the two cases involved the same parties and common questions of law and fact. (<u>Id</u>. at CM/ECF p. 3.) Consequently, the court elected to consolidate the cases. (<u>Id</u>.)

To facilitate the consolidation, the court directed the plaintiff to file an amended complaint in Case No. 8:09CV169 that contained all of his claims, including those presented in this case. (Id. at CM/ECF p. 4.) In doing so, the court specifically stated: "In the event that the plaintiff files an amended complaint in accordance with this memorandum and order, Case No. 8:09CV446 will be dismissed." (Id. at CM/ECF p. 3.)

On March 1, 2010, the plaintiff filed an amended complaint in Case No. 8:09CV169. (Case No 8:09CV169, Filing No. <u>36</u>.) In accordance with the court's February 8, 2010, Memorandum and Order, this case is therefore dismissed without prejudice.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Complaint (filing no. $\underline{1}$) is dismissed without prejudice to reassertion in Case No. 8:09CV169.

2. A separate judgment will be entered in accordance with this Memorandum and Order.

Dated March 8, 2010.

BY THE COURT

s/ Warren K. Urbom United States Senior District Judge