

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

ANTONIO COUARRUBIAS ,)
)
Plaintiff,)
)
v.)
)
HALL COUNTY,)
HALL COUNTY SHERIFF DEPARTMENT,)
SHERIFF JERRY WATSON, individually)
and in his official capacity,)
TROOP COMMANDER CHRIS KOLB,)
Individually and in his official capacity,)
NEBRASKA STATE PATROL,)
THE STATE OF NEBRASKA,)
JOHN DOES 1-10, individually and in)
their official capacity,)
)
Defendants.)

CASE NO. 8:10CV207

ORDER

This matter is before the Court on the Plaintiff’s Motion for Leave to File a First Amended Complaint (Filing No. 24). A copy of the proposed First Amended Complaint is attached to the Motion, and counsel for the Plaintiff represents that counsel for the Defendants have been consulted and do not object to the filing of the First Amended Complaint. Counsel for the Plaintiff also notes that Defendants Hall County Sheriff Department, the Nebraska State Patrol, Chris Kolb as to official capacity only, and the State of Nebraska, are eliminated as Defendants in the First Amended Complaint and that he intends to file a motion to dismiss them as parties defendant.

Accordingly,

IT IS ORDERED:

1. Plaintiff’s Motion for Leave to File a First Amended Complaint (Filing No. 24) is granted;

2. The Plaintiff will file his proposed First Amended Complaint (Filing No. 24-2) as a separate docket entry;
3. The Plaintiff's claims against Defendants Hall County Sheriff Department, the Nebraska State Patrol, Chris Kolb in his official capacity only, and the State of Nebraska are dismissed, with prejudice;
4. The Motion to Dismiss submitted by Defendants Chris Kolb, the State of Nebraska, and the Nebraska State Patrol (Filing No. 11) is denied as moot;
5. The Motion to Dismiss submitted by Defendants Hall County, Hall County Sheriff Department and Sheriff Jerry Watson (Filing No. 15) is denied as moot;
6. Defendants Hall County, Sheriff Jerry Watson, individually and in his official capacity, and Chris Kolb, in his individual capacity, will respond to the First Amended Complaint within 14 days after the date it is filed as a separate docket entry; and
7. The Clerk will amend the caption in this case to conform with the caption in the First Amended Complaint, when it is filed as a separate docket entry.

DATED this 3rd day of September, 2010.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge