

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

DANIEL RETZ,

Plaintiff,

vs.

**WILLIAM SEATON, Detective, in his
individual capacity,**

Defendant.

CASE NO. 8:11CV169

ORDER

This matter is before the Court on the Plaintiff's Application for Attorney's Fees and Costs. (Filing No. 123.) The Plaintiff seeks to recover his attorney's fees and costs as the prevailing party in this action pursuant to 42 U.S.C. § 1988(b). The Defendant has appealed to the United States Court of Appeals for the Eighth Circuit the final judgment entered in this action. (See Filing Nos. 120, 128 & 129.) In light of the Defendant's appeal, the Plaintiff's Application for Attorney's Fees and Costs will be denied, without prejudice. The Plaintiff may re-file his Application, or file a new application, within ten days of the filing of the Eighth Circuit's mandate. Accordingly,

IT IS ORDERED:

1. The Plaintiff's Application for Attorney's Fees and Costs (Filing No. 123) is denied, without prejudice;
2. The Plaintiff may re-file his Application, or file a new application, within ten days of the filing of the Eighth Circuit's mandate; and
3. The Plaintiff's Motion for Additional Time (Filing No. 132) is denied as moot.

Dated this 21st day of May, 2013.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge