

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DUANE MEESTER,)	8:12CV86
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
DEPT. OF JUSTICE, Kansas City)	
Div of BATF&E,)	
)	
Defendant.)	

This matter is before the court on Defendant’s Motion to Dismiss. (Filing No. [6](#).) Also pending is Plaintiff’s Motion to Amend Complaint. (Filing No. [8](#).)

In his Motion to Amend Complaint, Plaintiff seeks to add three Defendants to this matter. (Filing No. [8](#).) In particular, Plaintiff seeks to add William L. Bowers (“Bowers”), Director of Industry Operation, Kansas City Division of the Bureau of Alcohol, Tobacco, Firearms and Explosives (“BATF&E”), Eric Holder (“Holder”), United States Attorney General, and Deborah R. Gilg (“Gilg”), United States Attorney for the District of Nebraska. (*Id.*) Defendant opposes the Motion to Amend in part, stating that Plaintiff’s Complaint relates entirely to its refusal to renew Plaintiff’s federal firearms license. (Filing No. [10](#) at CM/ECF p. 3.) Thus, in accordance with [18 U.S.C. § 923\(f\)\(3\)](#), [27 C.F.R. § 478.73](#), and [27 C.F.R. § 478.74](#), and because Bowers is the only person having any involvement in the decision to deny Plaintiff the requested renewal of his federal firearm license, Holder and Gilg are not proper parties to this matter. (*Id.*) Defendant does not object to the addition of Bowers as a Defendant in this matter. (*Id.* at CM/ECF p. 3.)

After careful review of the record, the court agrees that Bowers is an appropriate Defendant, but that Holder and Gilg are not. Thus, Plaintiff is permitted to amend his Complaint to add Bowers as a Defendant and the Clerk of the court will

be directed to update the docket sheet accordingly.

Regarding Defendant's Motion to Dismiss, the court's records show that Defendant now states its Motion to Dismiss is moot because Plaintiff has completed proper service of process. (Filing No. [11](#) at CM/ECF p. 2.) Defendant requests that the court deny its Motion to Dismiss and permit it, along with the newly-added Bowers, to respond to the Amended Complaint by filing an answer or other responsive pleading. For good cause shown, the court will deny the Motion to Dismiss.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion to Amend (filing no. [8](#)) is granted in part. Plaintiff is permitted to add William L. Bowers, Director of Industry Operation, Kansas City Division of the Bureau of Alcohol, Tobacco, Firearms and Explosives as a Defendant in this matter. The remainder of Plaintiff's Motion to Amend is denied.

2. The Clerk of the court is directed to file the Proposed Amended Complaint (filing no. [8](#), attach. 1) as a separate pleading. The Clerk of the court is also directed to update the docket sheet in this matter to add "William L. Bowers, Director of Industry Operation, Kansas City Division of the Bureau of Alcohol, Tobacco, Firearms and Explosives" as a Defendant in this matter. The Clerk of the court shall not add any other Defendant.

3. Defendant's Motion to Dismiss (filing no. [6](#)) is denied as moot.

4. Defendants shall file their answers or other responsive pleadings no later than September 11, 2012.

DATED this 28th day of August, 2012.

BY THE COURT:

s/ John M. Gerrard

United States District Judge

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