

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LATANYA THOMAS, individually
and as Personal Representative of the
Estate of Tyler Thomas,

8:12-CV-412

Plaintiff,

vs.

STATE OF NEBRASKA, et al.,

Defendants.

ORDER

This matter is before the Court on plaintiff's Motion to Dismiss (filing 70) and Motion for Leave to File an Amended Complaint (filing 71). The motion to dismiss is unopposed, and seeks to dismiss the following defendants without prejudice: Peru State College and Nebraska State College Board Members. The motion seeks to dismiss the following defendants with prejudice: the City of Auburn, the City of Peru, the State of Nebraska, the University of Nebraska, the Board of Regents of the University of Nebraska, and Nemaha County. The Court will grant the motion and dismiss the case as against those defendants, without and with prejudice, respectively. The case remains pending against defendants Joshua Keadle, the Board of Trustees of the Nebraska State Colleges, and John Does 1–10.

Plaintiff's motion for leave to file an amended complaint (filing 71) is also unopposed. Plaintiff has requested an additional 14 days in which to file an amended complaint. The Court finds that granting leave to amend will further the interests of justice, *see Fed. R. Civ. P. 15(a)(2)*, and will grant the motion. Additionally, plaintiff's previous Motion to Amend (filing 60) will be denied as moot. Accordingly,

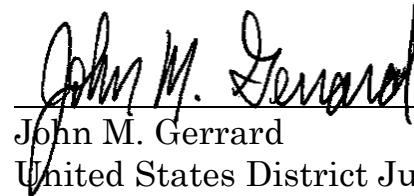
IT IS ORDERED:

1. Plaintiff's Motion to Dismiss (filing 70) is granted.
2. The case is dismissed against the following defendants without prejudice: Peru State College and Nebraska State College Board Members.

3. The case is dismissed against the following defendants with prejudice: the City of Auburn, the City of Peru, the State of Nebraska, the University of Nebraska, the Board of Regents of the University of Nebraska, and Nemaha County.
4. Plaintiff's Motion for Leave to File an Amended Complaint (filing [71](#)) is granted. Plaintiff shall file any amended complaint on or before June 19, 2013.
5. Plaintiff's previous Motion to Amend (filing [60](#)) is denied as moot.

Dated this 6th day of June, 2013.

BY THE COURT:



John M. Gerrard
United States District Judge