

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

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

Plaintiff,

vs.

STATE OF NEBRASKA, et al.,

Defendants.

8:12-CV-412

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,

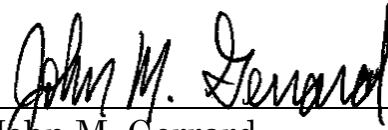
IT IS ORDERED:

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:

  
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John M. Gerrard  
United States District Judge