

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

EDWARD SHERROD,

Plaintiff,

v.

**SCOTT RICHTER, in his individual
and official capacity, and the
CITY OF OMAHA, NEBRASKA,**

Defendants.

CASE NO. 8:14CV78

**AMENDED
MEMORANDUM
AND ORDER**

This matter is before the Court on the Motion to Dismiss (Filing No. 3), submitted by Defendants City of Omaha, Nebraska, and Scott Richter, in which they seek to dismiss Plaintiff's Third Cause of Action (Negligence) in the Amended Complaint. Plaintiff Edward Sherrod has responded by stipulating to the dismissal of his Third Cause of Action (Negligence).

Accordingly,

IT IS ORDERED:

1. Defendants' Motion to Dismiss (Filing No. 3) is granted,
2. Plaintiff's Third Cause of Action (Negligence) in his Amended Complaint is dismissed, and
3. Defendants will respond to the remainder of Plaintiff's Amended Complaint on or before April 28, 2014.

DATED this 9th day of April, 2014.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge