

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

MATTHEW WHITTEN,

Plaintiff,

vs.

CITY OF OMAHA, a political subdivision;  
et. al;

Defendants.

**8:15CV96**

**MEMORANDUM AND ORDER**

Plaintiff moves to file a “revised first amended complaint.” ([Filing No. 16](#)). The plaintiff filed a first amended complaint on October 29, 2015. ([Filing No. 12](#)).

This case has been pending since March 13, 2015, and based on the court’s docket, the complaint has not been served on any defendant. The undersigned magistrate judge filed a decision on November 16, 2015, recommending that “Plaintiff’s claims against John Doe defendants, named in the Amended Complaint as ‘other unknown members of the Omaha Police Department Major Crimes Unit, individually and as Officers of the Omaha Police Department,’ be dismissed with prejudice.” ([Filing No. 13](#)).

Plaintiff objected to this recommendation. ([Filing No. 15](#)). He also moved to file a “revised first amended complaint” (which is actually a second amended complaint) to correct spelling and grammatical errors, and to remove any state law claims. ([Filing No. 16](#)). The proposed second amended complaint continues to name “other unknown members of the Omaha Police Department’s Major Crimes Unit” as defendants. ([Filing No. 16-1](#)).

For the reasons stated in my prior decision and recommendation, ([Filing No. 13](#)), the undersigned magistrate judge finds Plaintiff’s claims against unknown and unnamed

defendants should be dismissed with prejudice. As such, Plaintiff's motion to file a second amended complaint which still names these unknown defendants will be denied.

IT IS ORDERED that Plaintiff's motion to file a second amended complaint (referred to as a "revised first amended complaint"), ([Filing No. 16](#)), is denied.

December 8, 2015.

BY THE COURT:

*s/ Cheryl R. Zwart*  
United States Magistrate Judge