

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

NATHANIAL GERALD SERRELL
MACK,

Plaintiff,

vs.

DR. JEFF MELVIN, PH.D. N.D.C.S.
Behavioral Health Assistant
Administrator for Sex Offender Services
and C-Sort (Clinical Sex Offender
Review Team) Chair Person (Officially
and Individually); DR. STEPHANIE
BRUHN, N.D.C.S. Behavioral Health
Assistant Administrator for Sex
Offender Services and C-Sort Team
Chair Person (Officially and
Individually); TAMMY JACKSON,
LIMHP N.D.C.S. Mental Health
practioner Clinical Sex Offender
Programs Manager and C-Sort Vice
Chair Person (Officially and
Individually); PAUL RODRIQIEZ,
LIMHP N.D.C.S. Clinical Sex Offender
Programs Manager and C-Sort Team
Vice Chair Person (Officially and
Individually); JANE DOE I, Former
Nebraska State Penitentiary Mental
Health Practioner II (Officially and
Individually); HEATHER JACKSON,
Nebraska State Penitentiary Mental
Health Practioner II (Officially and
Individually); and JERAMY
SIMONSEN, Nebraska State
Penitentiary Mental Health Practioner II
and former Acting Clinical Sex Offender
Programs Manager and C-Sort Vice

8:17CV495

**MEMORANDUM
AND ORDER**

Chair Person (Officially and Individually);

Defendants.

On February 1, 2019, the court entered a Memorandum and Order and Judgment dismissing this action without prejudice due to Plaintiff's failure to file an amended complaint by the January 24, 2019 deadline. (Filing Nos. [23](#) & [24](#).) Shortly thereafter, on February 5, 2019, Plaintiff filed an Amended Complaint ([filing no. 25](#)) and a Motion for Appointment of Counsel ([filing no. 26](#)). Plaintiff's Amended Complaint is dated January 29, 2019, and Plaintiff represents in his motion for counsel that he has "Mental Retardation Disorder and Dexexia." ([Filing No. 26 at CM/ECF p. 3](#).) Upon consideration, and pursuant to [Fed. R. Civ. P. 60\(a\)](#) (court may correct mistake in judgment on its own without notice), the court will vacate the previous order and judgment dismissing this matter and order the clerk's office to reinstate this case. Accordingly,

IT IS ORDERED that:

1. The court's Memorandum and Order ([filing no. 23](#)) and Judgment ([filing no. 24](#)) dated February 1, 2019, are vacated.
2. The clerk of the court is directed to reinstate this case on the court's pro se docket.
3. The clerk of the court is directed to amend the case caption to include only the four defendants listed in the Amended Complaint (*see* [filing no. 25 at CM/ECF pp. 2-3](#)) as Defendants in this action. The clerk shall remove all other Defendants not listed in the Amended Complaint from the caption.

4. Plaintiff is advised that the next step in his case is for the court to conduct an initial review of Plaintiff's claims in his Amended Complaint to determine whether summary dismissal is appropriate under [28 U.S.C. § 1915\(e\)\(2\)](#). The court will conduct this initial review in its normal course of business.

Dated this 6th day of February, 2019.

BY THE COURT:

s/ Richard G. Kopf

Senior United States District Judge