

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
SOUTHWESTERN DIVISION**

James Norman,	)	
	)	
Plaintiff,	)	<b>ORDER GRANTING SUMMARY</b>
	)	<b>JUDGMENT AND FOR ENTRY OF</b>
vs.	)	<b>FINAL JUDGMENT</b>
	)	
Dan Wrolstad, et. al.,	)	
	)	Case No. 1:06-cv-010
Defendants.	)	

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On February 7, 2008, the court entered an order that, in part, granted the motions for summary judgment of dismissal on the part of the defendants Stromme, Coad, and Bertsch on the merits and also on grounds of qualified immunity and denied the motions for summary judgment as to defendants Schwehr, Materi, and Schuetzle. (Doc. No. 101). On February 19, 2008, the court entered a supplemental clarifying order stating that the motions for summary judgment against defendants Branson, Jorgenson, and Sullivan were also dismissed on the merits and on grounds of qualified immunity. (Doc. No. 105). Finally, on May 23, 2008, the court entered a subsequent order denying the motion for summary judgment by defendant Wrolstad. (Doc. No. 125).

Defendants Schwehr, Materi, Schuetzle and Wrolstad subsequently filed interlocutory appeals with the United States Court of Appeals for the Eighth Circuit appealing this court's denial of their claims of qualified immunity as presented in their motions for summary judgment. On November 9, 2009, the Eighth Circuit issued its judgment and opinion reversing this court's denial of summary judgment on grounds of qualified immunity and remanding for entry of summary judgment in favor of the appealing defendants based on grounds of qualified immunity. The Eighth Circuit's mandate was received and filed on January 15, 2010.

Based on the foregoing, it is hereby **ORDERED** as follows:

1. Defendants Schwehr, Materi, Schuetzle, and Wrolstad are entitled to summary judgment of dismissal based on qualified immunity for the reasons set forth in the Eighth Circuit's decision of November 9, 2009.

2. The Clerk is instructed to enter final judgment **DISMISSING WITH PREJUDICE** the complaint based upon this order dated January 20, 2010, as to defendants Schwehr, Materi, Schuetzle, and Wrolstad, and based upon this court's orders of February 7, 2008, and February 19, 2008, as to the remaining defendants.

Dated this 20th day of January, 2010.

/s/ Charles S. Miller, Jr.  
Charles S. Miller, Jr.  
United States Magistrate Judge