

(1971). Chapman's status report (Dkt. # 61, at 1-3) and the docket sheet from the Oklahoma Supreme Court (Dkt. # 61, at 3-9) show that the state custody matter was fully concluded on March 25, 2010. Dkt. # 61, at 9. Thus, there is no basis for Younger abstention at this time. The Court has reviewed its Opinion and Order (Dkt. # 25) in which Chapman's complaint was dismissed for failure to state a claim upon which relief may be granted, and finds that the portion dismissing Chapman's federal law damages claims should be reinstated.

IT IS THEREFORE ORDERED that the portion of the Court's Opinion and Order (Dkt. # 25) dismissing Chapman's claims for damages under federal law is **reinstated**. A separate judgment shall be entered herewith.

IT IS FURTHER ORDERED defendants Baker and Gassaway's (Dkt. # 27) and defendant Damilao's (Dkt. # 30) motions for attorney fees and the Magistrate Judge's Report and Recommendation regarding attorney fees (Dkt. # 36) are **moot**.

DATED this 3rd day of June, 2010.



CLAIRE V. EAGAN, CHIEF JUDGE
UNITED STATES DISTRICT COURT