

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

WAYNE S. SMITH,)	CIV. 11-4001-KES
)	
Plaintiff,)	
)	
vs.)	
)	ORDER DENYING AS MOOT
STATE OF SOUTH DAKOTA;)	MOTION TO DISMISS GANT
JASON GANT in his official)	IN HIS PERSONAL CAPACITY
capacity as Secretary of State of)	
South Dakota;)	
CHRIS NELSON in his personal)	
capacity, former Secretary of)	
State;)	
MIKE MILSTEAD in his personal)	
and official capacity as)	
Minnehaha County Sheriff,)	
DEPUTY SHERIFF JEFF)	
GROMER in his personal and)	
official capacity,)	
)	
Defendants.)	

Defendants State of South Dakota and Gant move to dismiss any claims against Gant in his personal capacity. After discovering that Gant has not been sued in his personal capacity, defendants have withdrawn their motion. Docket 53 at 2. It is

ORDERED that defendants' motion to dismiss any claims against Gant in his personal capacity (Docket 38) is denied as moot.

Dated March 16, 2011.

BY THE COURT:

/s/ Karen E. Schreier

KAREN E. SCHREIER
CHIEF JUDGE