

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

FILED
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RICHARD W. LEWIS, PhD.,
vs.
ELIZABETH RICHITT, PhD, ET AL.

CV-N-99-0386-ECR-RAM

MINUTES OF THE COURT

DATE: July 3, 2002

PRESENT: EDWARD C. REED, JR. U.S. DISTRICT JUDGE
DEPUTY CLERK: Oma L. Rose REPORTER: NONE APPEARING
COUNSEL FOR PLAINTIFF (S): NONE APPEARING
COUNSEL FOR DEFENDANT (S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

Defendants Tyrone and Linda Duff (hereinafter "the Duff's")
filed a motion to dismiss the plaintiffs second amended complaint
with prejudice for lack of jurisdiction (#224). Dr. Lewis opposed
(#228), the State of Nevada filed a statement of no position (#226)
and the Duff's replied (#229). The motion is denied.

This court has jurisdiction for cases that arise under federal
law. A claim under 42 U.S.C. § 1983 arises under federal law.
Plaintiff sued the Duff's under section 1983 in this action because
he alleged that they were part of the conspiracy to deprive him of
his constitutional rights under section 1983. This court
undisputably has jurisdiction over this claim.

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IT IS THEREFORE HEREBY ORDERED THAT, the motion to dismiss for lack of jurisdiction (#116) is **DENIED**.

IT IS THEREFORE HEREBY FURTHER ORDERED THAT, the motion to set aside all orders and or judgments (#225) for lack of jurisdiction is **DENIED**.

LANCE S. WILSON, CLERK

By: *Omig L. Rose*
Deputy Clerk