

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

|                          |   |                                |
|--------------------------|---|--------------------------------|
| MOHAMED A. EL-TABECH,    | ) |                                |
|                          | ) | Case No.: 4:04CV3231           |
| Plaintiff,               | ) |                                |
|                          | ) |                                |
| v.                       | ) | PLAINTIFF’S MOTION FOR PARTIAL |
|                          | ) | SUMMARY JUDGMENT: FOURTH       |
| HAROLD W. CLARKE, ET AL. | ) | CLAIM FOR RELIEF               |
|                          | ) |                                |
| Defendants.              | ) |                                |
|                          | ) |                                |
|                          | ) |                                |

Comes now Plaintiff, Mohamed A. El-Tabech, pursuant to Federal Rule of Civil Procedure 56, and moves for partial summary judgment on his Fourth Claim for Relief: Violation of the United States Constitution, Procedural Due Process Violations contained in his Amended Complaint (Filing #110) . There is no genuine issue as to any material fact regarding Plaintiff’s Fourth Claim for Relief in this case and the Plaintiff is entitled to judgment as a matter of law.

In support of this Motion, Plaintiff submits his Brief in Support of Motion for Partial Summary Judgment: Fourth Claim for Relief and Index of Evidence in Support of Motion for Summary Judgment: Fourth Claim for Relief (Filed Under Seal).

MOHAMED A. EL-TABECH, Plaintiff

BY: OGBORN, SUMMERLIN & OGBORN, P.C.  
V. GENE SUMMERLIN - 19611  
MARNIE A. JENSEN - 22380  
JUSTIN FIRESTONE - 23159

610 J Street, Suite 200  
Lincoln, NE 68508  
(402) 434-8040

BY: /s/ Marnie A. Jensen

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 27<sup>th</sup> day of March, 2007, the foregoing document was electronically filed using the CM/ECF system which sent notification of the filing to the following:

Matthew Works  
Assistant Attorney General  
2115 State Capitol Bldg.  
Lincoln, NE 68509  
matthew.works@ago.ne.gov

/s/ Marnie A. Jensen