

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

TYLER WATERS,

Plaintiff,

vs.

Case No. 15-1287-EFM-KGG

UNION PACIFIC RAILROAD COMPANY,

Defendant.

MEMORANDUM AND ORDER

Plaintiff Tyler Waters brings this action against Defendant Union Pacific Railroad Company. His claims arise under the Federal Employers' Liability Act ("FELA") as well as the Locomotive Inspection Act ("LIA"). One of the theories underlying Waters' claims relates to Union Pacific's alleged violation of 49 C.F.R. § 229.25. Union Pacific has moved for partial summary judgment, arguing that it never violated 49 C.F.R. § 229.25 (Doc. 94). In his response, Waters does not oppose Union Pacific's motion. Instead of fighting Union Pacific's motion for partial summary judgment, Waters simply moves for leave to amend his Amended Complaint and withdraw any of his claims related to the alleged violations of 49 C.F.R. § 229.25 (Doc. 97).

Waters' motion for leave to amend is unnecessary. Both parties agree that Waters does not have any claims arising from alleged violations of 49 C.F.R. § 229.25. Therefore, Union Pacific's Motion for Partial Summary Judgment is granted and this case can move forward

without another amended complaint or further filings related to this matter. Waters' Motion for Leave to Amend his First Amended Complaint is denied as moot.

IT IS THEREFORE ORDERED that Defendant Union Pacific Railroad Company's Motion for Partial Summary Judgment (Doc. 94) is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff Tyler Waters' Motion for Leave to Amend his First Amended Complaint (Doc. 97) is **DENIED AS MOOT**.

IT IS SO ORDERED.

Dated this 15th day of June, 2017.


ERIC F. MELGREN
UNITED STATES DISTRICT JUDGE