

Schaeffer v. Frakes

Case Number

S-19-0938

Case Audio

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Call Date

March 6, 2020

Case Time

9:00 AM

Court Number

Lancaster

Case Location

Lincoln

Court Type

District Court

Case Summary

S-19-0938 Bernard Schaeffer [appellant] v. Scott Frakes, in his official capacity as Director of the Nebraska Department of Correctional Services, Brad Hansen, in his official capacity as the Warden of the Tecumseh Correctional Institution, and Mickie Baum Dietz, in her official capacity as the Records Administrator for the Nebraska Department of Correctional Services

Lancaster County District Court, Judge Andrew R. Jacobsen

Attorneys: Gerald L. Soucie (Attorney for Appellant); James D. Smith (Solicitor General, for Appellee)

Civil: 42 U.S.C. § 1983; Parole eligibility date calculated incorrectly

Proceedings below: The trial court granted Defendants? motion to dismiss

Issues: Whether the district court erred in granting the motion to dismiss for failure to state a claim on which relief can be granted by reasoning that *Wilkinson v. Dotson* does not permit injunctive and declaratory relief via § 1983.

Schedule Code

SC
