

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-01695-DME-MEH

PEDRO NIVAL,

Plaintiff,

v.

JUDY BREZENDINE, in her individual and official capacities,
DR. JERE SUTTON, in his individual and official capacities,
LYNN THOMPSON, in her individual and official capacities,
JANE DOE #1 (SANDY), in her individual and official capacities,
JANE DOE #2 (MARY), in her individual and official capacities,
JANE DOE #3 (CHRISTIE), in her individual and official capacities, and
NURSING STAFF, all in their official and individual capacities,

Defendants.

FINAL JUDGMENT

PURSUANT to and in accordance with Fed. R. Civ. P. 58(a) and the Orders entered during the course of proceedings in this case, the following FINAL JUDGMENT is hereby entered.

I. PURSUANT to and in accordance with the Order to Dismiss In Part and to Draw Case to a District Judge and to a Magistrate Judge entered by the Honorable Lewis T. Babcock on January 10, 2012, incorporated herein by reference, it is

ORDERED that Plaintiff Aurora Nival is DISMISSED as a party to this action for lack of standing. It is

FURTHER ORDERED that Defendants Tom Clements, Richard Smelser, Tiana Lucero, Lucy Hernandez, Anthony DeCesaro and John Doe/Correctional Health Partners are DISMISSED as parties to this action for lack of personal participation. It is

FURTHER ORDERED that Claims One, Five, Six, Seven, and Nine are DISMISSED.

II. PURSUANT to and in accordance with the Order Adopting Recommendation of United States Magistrate Judge entered by the Honorable David M. Ebel on March 26, 2013, incorporated herein by reference, it is

ORDERED that Defendant Sutton's Motion for Summary Judgment is GRANTED. It is

FURTHER ORDERED that CCFC Defendants' Motion for Summary Judgment is GRANTED. It is

FURTHER ORDERED that the Magistrate Judge's Recommendation is ADOPTED. It is

FURTHER ORDERED that final judgment is hereby entered in favor of Defendants, Judy Brezendine, Dr. Jere Sutton, Lynn Thompson, Jane Doe #1 (Sandy), Jane Doe #2 (Mary), Jane Doe #3 (Christie), and Nursing Staff, and against Plaintiff, Pedro Nival. It is

FURTHER ORDERED that plaintiff's Amended Prisoner Complaint and this civil action are DISMISSED WITH PREJUDICE. It is

FURTHER ORDERED that each party shall bear its own costs and attorney's fees.

DATED at Denver, Colorado, this 28th day of March, 2013.

FOR THE COURT:
JEFFREY P. COLWELL, CLERK

By: s/Edward P. Butler
Edward P. Butler
Deputy Clerk