

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 04-cv-00354-PAB-BNB

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

KELSEY L. GARMAN et al.,

Defendants.

ORDER DISMISSING CASE WITH PREJUDICE

This matter is before the Court on review of the file. Pursuant to the Court's April 29, 2009 Order Accepting Magistrate Judge's Recommendation [Docket No. 211], the Receivership Estate in this case was closed and the Receiver was discharged. The Court issued a Minute Order [Docket No. 212] on that same day requiring plaintiff Securities and Exchange Commission to show cause by May 13, 2009 why this case should not be dismissed. See D.C.COLO.LCivR 41.1. Because plaintiff has not responded to the Minute Order, this case is dismissed.

Accordingly, it is

ORDERED that, pursuant to Fed. R. Civ. P. 41(b) and D.C.COLO.LCivR 41.1, this matter, and all claims asserted therein, is dismissed with prejudice, with each party

to bear its own attorneys' fees and costs.

DATED May 29, 2009.

BY THE COURT:

s/Philip A. Brimmer _____
PHILIP A. BRIMMER
United States District Judge