

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 07-cv-00118-MSK-CBS

MICHAEL WAYNE FLEMING,  
Plaintiff,  
v.

MR. MOLLOY (individual capacity), Acting Denver County Deputy Sheriff, and  
MR. FLINK (individual capacity), Acting Denver County Deputy Sheriff,  
Defendants.

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ORDER

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Magistrate Judge Craig B. Shaffer

This civil action came before the court on January 16, 2009 for a telephone status conference on Mr. Fleming's "Motion for Leave to File Second Amended Complaint" (filed October 23, 2008) (doc. # 138). Pursuant to the Order of Reference dated June 26, 2007 (doc. # 25) and the memorandum dated October 23, 2008 (doc. # 139), this matter was referred to the Magistrate Judge. On January 14, 2009, Defendant Espinoza was dismissed from this civil action pursuant to the parties' "Unopposed (Stipulated) Motion to Dismiss Ms. Espinoza with Prejudice." (See docs. # 147 and # 148). On January 16, 2009, the court accepted for filing Mr. Fleming's tendered Second Amended Complaint. (See docs. # 146-2, # 150). The court having reviewed the entire case file and being sufficiently advised in the premises,

It is hereby clarified that in light of the stipulated dismissal of Defendant Espinoza, any and all claims that are alleged against Ms. Espinoza in the Second Amended Complaint (doc. # 150) are moot and Ms. Espinoza remains terminated from this civil action.

DATED at Denver, Colorado, this 20th day of January, 2009.

BY THE COURT:

s/Craig B. Shaffer  
United States Magistrate Judge