

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Senior Judge Zita L. Weinshienk

Civil Action No. 07-cv-01001-ZLW-KMT

JOHN NASIOUS,

Plaintiff,

v.

LITTLETON POLICE DEPARTMENT,  
HAL MANDLER - Littleton Police Dept.,  
DENVER POLICE DEPARTMENT,  
BART MALPASS, #93026, Denver Police Dept., in his official and individual capacity,  
OFFICER CRAIG - Denver Police Dept., in her official and individual capacity, and  
OFFICER REIDMULLER, - Denver Police Dept., in his official and individual capacity,

Defendants.

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ORDER OF DISMISSAL AS TO CERTAIN DEFENDANTS

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The matter before the Court is “Littleton And Hal Mandler’s Motion For Summary Judgment” (Doc. No. 72). This motion was referred to Magistrate Judge Kathleen M. Tafoya pursuant to D.C.COLO.LCivR 72.1C. On February 19, 2009, the Magistrate Judge issued her Recommendation that the motion be granted. No party filed objections to the Recommendation.<sup>1</sup>

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<sup>1</sup>The Magistrate Judge’s February 19, 2009, Recommendation also addressed the “Motion For Summary Judgment By Defendants Denver Police Department, Officer Bart Malpass, Officer Jennifer Craig And Officer Erik Riedmuller” (Doc. 84). The Defendants who filed that motion have objected to the Magistrate Judge’s Recommendation as it pertains to that motion only, and, as set forth below, the Court will issue a separate Order addressing that motion.

As required by 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the Court has reviewed *de novo* the Recommendation and accepts and adopts the Recommendation with respect to “Littleton And Hal Mandler’s Motion For Summary Judgment.” The Court will issue a separate Order with respect to the “Motion For Summary Judgment By Defendants Denver Police Department, Officer Bart Malpass, Officer Jennifer Craig And Officer Erik Riedmuller” (Doc. 84), also addressed in the February 19, 2009, Recommendation. Accordingly, it is

ORDERED that “Littleton And Hal Mandler’s Motion For Summary Judgment” (Doc. No. 72) is granted. It is

FURTHER ORDERED that Defendants Littleton Police Department and Hal Mandler are dismissed from this action with prejudice, the parties to pay their own costs and attorney’s fees. It is

FURTHER ORDERED that the Littleton Defendants’ Motion For F.R.C.P. 41 Dismissal (Doc. No. 92) is moot.

DATED at Denver, Colorado, this 18<sup>th</sup> day of March, 2009.

BY THE COURT:

A handwritten signature in black ink, reading "Zita L. Weinsienk". The signature is written in a cursive style with a horizontal line underneath.

ZITA L. WEINSHIENK, Senior Judge  
United States District Court