

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kathleen M. Tafoya

Civil Action No. 07-cv-01459-WYD-KMT

GREGORY BLUE,

Plaintiff,

v.

FEDERAL POSTAL INSPECTOR SKAFETTIE,
FEDERAL POSTAL INSPECTOR JOHN DOE 2,
COLORADO SPRINGS POLICE OFFICER JOHN DOE 1,
COLORADO SPRINGS POLICE OFFICER JOHN DOE 2,
COLORADO SPRINGS POLICE OFFICER JOHN DOE 3,
COLORADO SPRINGS POLICE OFFICER JOHN DOE 4,
COLORADO SPRINGS POLICE OFFICER JOHN DOE 5,
COLORADO SPRINGS POLICE OFFICER JOHN DOE 6, and
COLORADO SPRINGS POLICE OFFICER D. MORK 1763,

Defendants.

ORDER

This matter is before the court on Defendant Police Officer D. Mork's "Motion for Summary Judgment" (Doc. No. 73, filed June 23, 2009).

In his Motion, Defendant Mork misinterprets the Recommendation of this court issued on February 9, 2009, and states that this court "issued a recommendation, *inter alia*, that Mr. Blue's Fifth Claim for Relief be dismissed as to all defendants." (Mot., ¶ 3.) On March 25, 2009, Chief District Judge Wiley Y. Daniel issued his Order Affirming and Adopting United States Magistrate Judge. (Doc. No. 66.) In the Recommendation, the court specifically recommended

dismissal of Plaintiff's Claim Five as to all defendants **in their individual capacities** only.

(Doc. No. 61 at 13.) Defendant Mork has failed to move for dismissal any claims asserted against him in his official capacity in Claim Five. Accordingly, it is

ORDERED that Defendant Mork may file a supplemental brief addressing claims asserted against him in his official capacity in Claim Five no later than September 25, 2009.

Dated this 14th day of September, 2009.

BY THE COURT:



Kathleen M. Tafoya
United States Magistrate Judge