

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

Civil Action No. 07-cv-02120-PAB-BNB

ARIF S. NAJIEB,

Plaintiff,

v.

SHAWN KURIAN, individually and in his official capacity,

Defendant.

ORDER

THIS MATTER comes before the Court upon the Stipulated Motion for Dismissal with Prejudice of All Claims Against Defendant Officer Shawn Kurian and to Amend Caption [Docket No. 49].

The motion is filed by the plaintiff, Arif Najieb, and the defendant, Shawn Kurian. However, it is also purportedly filed by “Defendant City of Aurora.” Although the City of Aurora represents defendant Kurian in his official capacity, the City of Aurora is not a party to this case. As a result, plaintiff and defendant’s motion to amend the caption to suggest that the City of Aurora is a party is improper. Wherefore, it is

ORDERED that the Stipulated Motion for Dismissal with Prejudice of All Claims Against Defendant Officer Shawn Kurian and to Amend Caption [Docket No. 49] is denied in part and ruling is reserved in part. It is further

ORDERED that that part of the motion seeking to amend the caption to add the City of Aurora as a defendant is denied. It is further

ORDERED that, on or before March 30, 2009, plaintiff and defendant Kurian shall clarify whether the motion for dismissal resolves all claims in this case.

DATED March 23, 2009.

BY THE COURT:

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