

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge John L. Kane

Civil Action No. **07-cv-2336-JLK-GJR**

GARY KRAMMES,

Plaintiff,

v.

**COLORADO DIVISION OF WILDLIFE OFFICERS:
JAMES ROMERO,
MICHAEL BLANCK,
BILL De VERGIE,
MIKE BAUMAN,
TREVOR BALZER, and
JASON TROUSDALE,**

Defendants.

ORDER ADOPTING RECOMMENDATION OF MAGISTRATE JUDGE

Kane, J.

This matter is before the court on the June 10, 2010 Amended Recommendation of the Magistrate Judge (Doc. 106) recommending entry of summary judgment in favor of all Defendants on Plaintiff’s Third Claim for Relief for false arrest and false imprisonment and in favor of all Defendants save Defendant Balzer on Plaintiff’s Fourth Claim for Relief (battery/excessive force) in violation of 42 U.S.C. § 1983. Plaintiff’s First and Fifth Claims for negligence and wilful and wanton conduct have been dismissed by an earlier Order of the Court (Doc. 67). Neither Plaintiff nor Defendant Balzer has filed an objection to the June 10, 2010 Recommendation, and I find its ultimate conclusions correct as a matter of law. Accordingly,

The Amended Report and Recommendation of U.S. Magistrate Judge (Doc. 106) is ACCEPTED, and Defendants’ Amended Partial Motion (sic) for Summary Judgment is

GRANTED. Judgment shall enter in favor of all Defendants on Plaintiff's Third Claim for Relief for false arrest/imprisonment, and in favor of all Defendants except Defendant Balzer on Plaintiff's Fourth Claim for Relief, which I construe as a single claim for excessive force in violation of 42 U.S.C. § 1983.

Given recent change in Magistrate Judge overseeing this case and because it is unclear in the wake of the piecemeal motions entertained to date precisely what claims remain against what Defendants, the parties are ORDERED to CONFER and to PREPARE a Status Report on the state of this case and what Magistrate Judge Rice or myself can do to urge it along. The Status Report SHALL BE FILED in the normal course on or before July 27, 2010.

Dated: July 15, 2010.

s/John L. Kane
SENIOR U.S. DISTRICT COURT JUDGE