

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Case No. 07-cv-02603-REB-KLM

NORBERTO PEREZ AROCHO,

Plaintiff,

v.

S. NAFZINGER, Clinical Director, and
HARLEY LAPPIN, Federal Bureau of Prison – Director,

Defendants.

ORDER TO AMEND JUDGMENT

Blackburn, J.

This matter is before me on remand from the United States Court of Appeals for the Tenth Circuit. Pursuant to that court's **Mandate** [#266],¹ filed April 2, 2012, which is informed by its earlier **Order and Judgment** [#265], filed February 9, 2012, this case was remanded with directions to modify the dismissal of plaintiff's claim against defendant Lappin to a dismissal without prejudice. I enter to the following order to implement that directive.

THEREFORE, IT IS ORDERED as follows:

1. That **Final Judgment** [#242], filed June 13, 2011, is **VACATED**; and
2. That the Clerk of the Court is **DIRECTED** to file an amended final judgment

that provides as follows:

¹ “[#266]” is an example of the convention I use to identify the docket number assigned to a specific paper by the court's electronic case filing and management system (CM/ECF). I use this convention throughout this order.

a. That **Defendants' Motion for Summary Judgment and Memorandum Brief in Support Thereof** [#224] filed February 28, 2011, is **GRANTED**;

b. That plaintiff's claims against defendant are **DISMISSED** as follows:

1. That plaintiff's claim against defendant Lappin is

DISMISSED WITHOUT PREJUDICE;

2. That plaintiff's claim against defendant Nafziger relating to his recommendation that plaintiff be treated with a course of Interferon/Ribavirin is **DISMISSED WITH PREJUDICE**; and

3. That plaintiff's remaining claims against defendant Nafziger are **DISMISSED WITHOUT PREJUDICE**;

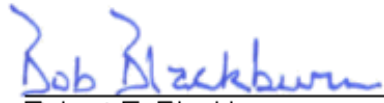
c. That **JUDGMENT IS ENTERED** on behalf of defendant, Harley Lappin, Federal Bureau of Prisons – Director, against plaintiff, Norberto Perez Arocho, as to all claims for relief and causes of action asserted against this defendant herein; provided, that the judgment as to these claims against this defendant shall be **WITHOUT PREJUDICE**;

d. That **JUDGMENT IS ENTERED** on behalf of defendant, Steven Nafziger (misnamed in the caption as "S. Nafzinger"), against plaintiff, Norberto Perez Arocho, as to all claims for relief and causes of action asserted against this defendant herein; provided, that the judgment as to the claim against this defendant relating to the provision of Interferon/ Ribavirin shall be **WITH PREJUDICE** and the judgment as to all other claims against this defendant shall be **WITHOUT PREJUDICE**; and

e. That defendants are **AWARDED** their costs, to be taxed by the Clerk of the Court pursuant to Fed. R. Civ. P. 54(d)(1) and D.C.COLO.LCivR 54.1.

Dated April 6, 2012, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge