

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

Civil Action No. 08-cv-01648-ZLW-CBS

MARQUISE D. HARRIS,

Plaintiff,

v.

OFFICER DAVID GALLEGOS #20791,
MATTHEW T. MILLIGAN #24186,
DETECTIVE CRAIG J. APPEL #18562,
ANTHONY CAMACHO #23277,
DARIN PARKER #19572,
CHAD CRENIC #15680,
DAVID KRIEGER #21072,
CHAD LAMPSON #25263,
JAMIE ECKHARDT #24946,
MARK WALTERS #12093,
ATF SPEICAL AGENT BRADLEY D. BYERSDORF,
JOE MARTINEZ,
CHIEF OATS,
THE CITY OF AURORA,
MAYOR ED TAUER,
RONALD S. MILLER, City of Aurora Manager,
KENNETH SPANN, resident agent in charge, and
ARTURO G. HERNANDEZ, AUSA,

Defendants.

ORDER

The matter before the Court is the Motion By Defendants Spann And Beyersdorf To Dismiss Amended Complaint (Doc. No. 25), the Motion By Defendant Hernandez To Dismiss Amended Complaint (Doc. No. 55), and Defendants' Joint Motion To Dismiss

For Failure To Prosecute (Doc. No. 59). These motions were referred to Magistrate Judge Craig B. Shaffer pursuant to D.C.COLO.LCivR 72.1C. On June 22, 2009, the Magistrate Judge issued his Recommendation that the motion to dismiss for failure to prosecute be granted, the other motions be dismissed as moot, and the action be dismissed with prejudice (Doc. No. 62). No party filed objections to the Recommendation.

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 it in its entirety. Accordingly, it is

ORDERED that Defendants' Joint Motion To Dismiss For Failure To Prosecute (Doc. No. 59; May 21, 2009) is granted. It is

FURTHER ORDERED that the Motion By Defendants Spann And Beyersdorf To Dismiss Amended Complaint (Doc. No. 25; Nov. 25, 2008) and the Motion By Defendant Hernandez To Dismiss Amended Complaint (Doc. No. 55; Feb. 23, 2009) are denied as moot. It is

FURTHER ORDERED that Plaintiff's Amended Complaint and cause of action are dismissed with prejudice, pursuant to D.C.COLO.LCivR 41.1.

DATED at Denver, Colorado, this 15th day of July, 2009.

BY THE COURT:



ZITA L. WEINSHIENK, Senior Judge
United States District Court