

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

Civil Action No. 08-cv-01990-PAB-KMT

SHANE FLOYD ARGETSINGER,

Plaintiff,

v.

WARDEN JIM ABBOTT,
MAJOR LINDA MAIFIELD,
CAPTAIN HOLDITCH, and
LIEUTENANT HEIDENTHAL,

Defendants.

ORDER OF DISMISSAL WITHOUT PREJUDICE

THIS MATTER comes before the Court upon the pleading filed by plaintiff on January 5, 2010 [Docket No. 108] in which he requests that this case be dismissed and that he be allowed to re-file in the future. The Court construes the pleading as a motion to dismiss without prejudice. The Court has reviewed the motion and defendants' response [Docket No. 111] and is fully advised in the premises. It is

ORDERED that the plaintiff's motion to dismiss without prejudice [Docket No. 108] is GRANTED. It is further

ORDERED that, pursuant to Fed. R. Civ. P. 41(a), this matter, and all claims asserted therein, is dismissed without prejudice, with each party to bear its own attorneys' fees and costs.

DATED January 11, 2010.

BY THE COURT:

s/Philip A. Brimmer

PHILIP A. BRIMMER
United States District Judge