

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
LEWIS T. BABCOCK, JUDGE**

Civil Case No. 08-cv-02188-LTB-CBS

SOLOMON BEN-TOV COHEN

Plaintiff,

v.

FRED BUSCH, Agent, U.S. Capitol Police,

Defendant.

ORDER

In his thorough and comprehensive recommendation, the Magistrate Judge recommends that Defendant Fred Busch's Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(2) and 12(b)(6) (Doc 61) either be granted pursuant to Fed. R. Civ. P. 12(b)(2) and this civil action be dismissed in its entirety for lack of personal jurisdiction over Defendant Busch, or alternatively, be granted in part and denied in part pursuant to Fed. R. Civ. P. (12)(b)(6) and all claims in the Second Amended Prisoner Complaint (Doc 12) be dismissed except the Fourth Amendment Claim for Arrest Without Probable Cause. The Magistrate Judge further recommends that Plaintiff's Motion for Change of Venue (Doc 85) be denied and his Motion to Amend Complaint (Doc 97) be denied.

The Plaintiff has filed no timely written objections to the Magistrate Judge's recommendations and therefore is barred from *de novo* review. Defendant has filed his limited objection to the Magistrate Judge's recommendation contending that the Second Amended Complaint must be dismissed in his entirety for lack of personal jurisdiction. I have therefore reviewed the recommendation *de novo* in light of the file and record in this

case. On *de novo* review, I conclude that pursuant to Fed. R. Civ. P. 12(b)(2), this action must be dismissed in its entirety for lack of personal jurisdiction over Defendant. Accordingly

IT IS ORDERED that Defendant Fred Busch's Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(2) (Doc 61) is GRANTED and the action is DISMISSED IN ITS ENTIRETY.

IT IS FURTHER ORDERED that Plaintiff's Motion for Change of Venue (Doc 85) is DENIED.

IT IS FURTHER ORDERED that Plaintiff's Motion to Amend Complaint (Doc 97) is DENIED.

BY THE COURT:

s/Lewis T. Babcock
Lewis T. Babcock, Judge

DATED: June 23, 2010