

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Richard P. Matsch, Senior District Judge

Civil Action No. 08-cv-02384-RPM

STEPHANIE JEAN CRAWFORD,

Plaintiff,

v.

DANE BRANCH, an Officer with the Colorado State Patrol,  
in his individual capacity, and  
JANE DOE, an unknown dispatcher with the Colorado State patrol,  
in her individual capacity,

Defendants.

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ORDER ON DEFENDANT'S MOTION TO DISMISS

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The amended complaint in this civil action seeks recovery under 42 U.S.C. § 1983 for violation of the Fourth and Fourteenth Amendments to the United States Constitution based on factual allegations of an arrest made on mistaken identity of the plaintiff as the person named in a valid arrest warrant. The plaintiff also has a third claim for relief for tort claims of false imprisonment and negligence. The defendant on June 5, 2009, filed a motion to dismiss and the plaintiff filed her response on June 25, 2009.

The plaintiff has separated the Fourth and Fourteenth Amendment claims in two claims for relief but that is mistaken. The Fourth Amendment becomes applicable to state officers as the result of the Fourteenth Amendment and therefore there is one claim for relief under 42 U.S.C. § 1983. The tort claims are barred by the one year

statute of limitations in C.R..S. 13-80-103(1), which is not applicable to the constitutional violation claim. It is now

ORDERED that the third claim for relief of the first amended complaint is dismissed because of the bar of the applicable statute of limitations and it is

FURTHER ORDERED that the motion to dismiss is denied as to the claim for a violation of the Fourth Amendment made applicable under the Fourteenth Amendment.

The first and second claims for relief of the amended complaint are merged.

DATED: July 2<sup>nd</sup>, 2009

BY THE COURT:

s/Richard P. Matsch

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Richard P. Matsch, Senior District Judge