

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

Civil Action No. 08-cv-02405-RPM

ERIC WINFIELD,

Plaintiff,

v.

THE CITY AND COUNTY OF DENVER,  
DENVER POLICE DEPARTMENT OFFICERS ANTONIO MILOW,  
GLEN MARTIN and  
THOMAS JOHNSTON,

Defendants.

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ORDER DISMISSING THE CITY AND COUNTY OF DENVER AND THIRD CLAIM  
FOR RELIEF

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The defendants filed a motion for partial summary judgment on the third claim for relief in the Third Amended complaint, filed April 16, 2009, and for dismissal of the City and County of Denver as a defendant. Upon review of the plaintiff's response, filed November 27, 2009, with attachments, the Court finds and concludes that the plaintiff has failed to show any evidentiary support for the claim of civil conspiracy among the defendants Antonio Milow, Glen Martin and Thomas Johnston and the plaintiff has confessed that the Third Amended Complaint seeks no recovery from the City and County of Denver. Accordingly, it is

ORDERED that the City and County of Denver is dismissed as a defendant in this civil action and it is

FURTHER ORDERED that the plaintiff's third claim for relief, alleging civil conspiracy, is dismissed as to the defendants Antonio Milow, Glen Martin and Thomas Johnston.

Dated: December 8<sup>th</sup>, 2009

BY THE COURT:

s/Richard P. Matsch

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Richard P. Matsch, Senior District Judge