

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.

ORDER DISMISSING PLAINTIFF'S FIFTH CLAIM FOR RELIEF

Upon consideration of Plaintiff's Amended Unopposed Motion to Dismiss Plaintiff's Fifth Claim for Relief (Assault and Battery) in Plaintiff's Third Amended Complaint [61], it is

ORDERED that plaintiff's fifth claim for relief, alleging assault and battery, is dismissed.

Dated: February 16th, 2010

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior District Judge