

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge William J. Martínez**

Civil Action No. 08-cv-02508-WJM-MJW

THOMAS GEORGE AYOTTE,

Plaintiff,

v.

JACKIE MCPEEK, (Individual and Official Capacity), Acting Medical Head Nurse and  
Manager,

R. MARTINEZ, (Individual and Official Capacity), Acting Physician's Assistant,  
MR. LARRY HOFFMAN, (Individual and Official Capacity), Acting Case Manager,  
JOHN DOE #1, (Individual and Official Capacity), Acting Captain,  
MR. AL ESTOP, (Individual and Official Capacity), Acting Warden,  
JANE DOE #1, (Individual and Official Capacity), Acting Medicine Dispensing Nurse,  
MR. JOHN GAHN, (Individual and Official Capacity), Acting Case Manager,  
MR. MICKENS, (Individual and Official Capacity), Acting Vocational Teacher,  
MR. SHEPHERD, (Individual and Official Capacity), Acting Cellhouse #7 Sergeant,  
MS. CURRY, (Individual and Official Capacity), Acting Cellhouse #7 Corrections Officer,  
MR. SHAMES, (Individual and Official Capacity), Acting Doctor/Provider,  
MS. J. CROUNK, (Individual and Official Capacity), Acting Registered Nurse,  
MS. J. ZADROGA, (Individual and Official Capacity), Acting Registered Nurse,  
MS. ANNA COOPER, (Individual and Official Capacity), Acting Grievance Officer,  
R. WENCL, (Individual and Official Capacity), Acting Physician's Assistant,  
S. ROCCHIO, (Individual and Official Capacity), Acting Physician's Assistant,  
MS. KATHLEEN BAXTER, (Individual and Official Capacity), Acting Legal Assistant,  
MR. BRANDT, (Individual and Official Capacity), Acting Chief Medical Officer,  
MS. VIRGINIA SMITH, (Individual and Official Capacity), Acting Programs and ACA  
Compliance Officer,  
MS. CATHIE HOLST, (Individual and Official Capacity), Acting Legal Assistant,  
MS. YVETTE POPE, (Individual and Official Capacity), Acting Medical Supervisor,  
JOHN DOE #2, (Individual and Official Capacity), Acting Hallway Corrections Officer,  
JOHN DOE #3, (Individual and Official Capacity), Acting Cellhouse #7 Midshift  
Corrections Officer,  
JANE DOE #2, (Individual and Official Capacity), Acting Cellhouse #7 Midshift  
Corrections Officer,  
JANE DOE #3, (Individual and Official Capacity), Acting Nurse,  
MS. ROBIN BOLTON, (Individual and Official Capacity), Acting S.O.T.M.P. Therapist,  
MR. ANTHONY A. DECESARO, (Individual and Official Capacity), Acting Step 3  
Grievance Officer, and  
MS. MARYANN ALDRICH, (Individual and Official Capacity), Acting Administrative  
Services Manager,

THE STATE OF COLORADO, including its Colorado Department of Corrections,  
ARISTEDES ZAVARAS, individually and in his official capacity as Executive Director  
of the Colorado Department of Corrections,  
JAMES ABBOT, individually and in his official capacity as Acting Warden of Colorado  
Territorial Correctional Facility, and,  
PAMELA PLOUGHE, individually and in her official capacity as Acting Warden of  
Colorado Territorial Correctional Facility,

Defendants.

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**ORDER ON ORDER TO SHOW CAUSE**

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THIS MATTER is before the Court on the Court's Order to Show Cause issued to Plaintiff on June 10, 2011. (ECF No. 109.) Plaintiff filed his Response to Court's Order to Show Cause ("Response"), ECF No. 111, on June 16, 2011.

In the Order to Show Cause, the Court directed Plaintiff to respond, in writing, as to why Defendants Mr. Brandt and Rudolph Wencil have not been served with the Summons and Complaint in this action. The Court further directed Plaintiff to respond, in writing, as to why Defendants Aristedes Zavaras, James Abbot, Pamela Ploughe, and the State of Colorado through the Colorado Department of Corrections ("CDOC") have not been served with process following filing of the Amended Complaint, ECF No. 70, by virtue of which they were added as putative Defendants.

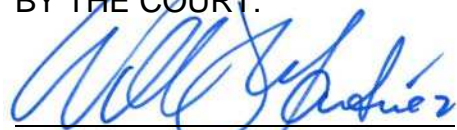
In Plaintiff's Response, he stated that he does not object to the Court dismissing his claims against putative Defendants Abbot, Brandt, Ploughe, Wencil, Zavaras, and the Colorado Department of Corrections with prejudice. (ECF No. 111.)

Accordingly, it is hereby ORDERED that:

- 1) Plaintiff's claims against Defendants James Abbot, Mr. Brandt, Pamela Ploughe, Rudolph Wencil, and Aristedes Zavaras in their individual and official capacities are DISMISSED with prejudice;
- 2) Plaintiff's claims against Defendant State of Colorado through the Colorado Department of Corrections are DISMISSED with prejudice;
- 3) All parties affected by this Order shall bear their own attorney's fees and costs; and
- 4) The case caption of all future filings in this case shall reflect the dismissal of the above-referenced putative Defendants.

Dated this 17<sup>th</sup> day of June, 2011.

BY THE COURT:



William J. Martinez  
United States District Judge