

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

Civil Action No. 09-cv-0537-WJM-KLM

JACOB IND,

Plaintiff,

v.

COLORADO DEPARTMENT OF CORRECTIONS,
MARY NELL MCCORMICK, and
UNKNOWN EMPLOYEES OF CSP AND CDOC,

Defendants.

ORDER GRANTING STIPULATED MOTION TO DISMISS CLAIM 5

This matter comes before the Court on the Parties' Stipulated Motion to Dismiss Claim 5, filed January 2, 2014 (ECF No. 264). The Court being fully advised hereby ORDERS as follows:

The Parties' Stipulated Motion is GRANTED. Claim 5 in Plaintiff's Amended Complaint is hereby DISMISSED WITH PREJUDICE as provided in the Motion due to Defendant CDOC's change in policies and the settlement agreement between the parties.

The Court retains jurisdiction over the settlement agreement. Plaintiff' has preserved the right to seek costs pursuant to 42 U.S.C. § 1988(b).

Dated this 3rd day of January, 2014.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "William J. Martínez", written over a horizontal line.

William J. Martínez
United States District Judge