

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior Judge Zita L. Weinshienk

Civil Action No. 09-cv-00907-ZLW-KMT

GARY H. FUGATE,

Plaintiff,

v.

KEVIN ESTEP - in his official and individual capacity,
EMILY BOND - in her official and individual capacity,
BRET YOUNGBLOOD - in his official and individual capacity,
REBECCA ADKINS - in her official and individual capacity,
STACY SMITH - in her official and individual capacity,

Defendants.

ORDER OF DISMISSAL

The matter before the Court is Defendants' Motion To Dismiss (Doc. No. 22) and Plaintiff's Motion For Summary Judgment Or Default Entry According To Rule 55 (Doc. No. 47) (Motion For Summary Judgment). These motions were referred to Magistrate Judge Kathleen M. Tafoya pursuant to D.C.COLO.LCivR 72.1C. On January 26, 2010, the Magistrate Judge issued her Recommendation that Defendants' Motion To Dismiss be granted and that Plaintiff's Motion For Summary Judgment be denied. No party filed objections to the Recommendation.

Having reviewed the record and the Recommendation, the Court is satisfied “that there is no clear error on the face of the record.”¹ Accordingly, the Court accepts and adopts the Recommendation in its entirety, and it is

ORDERED that Defendants’ Motion To Dismiss (Doc. No. 22) is granted. It is

FURTHER ORDERED that Plaintiff’s Motion For Summary Judgment Or Default

Entry According To Rule 55 (Doc. No. 47) is denied. It is

FURTHER ORDERED that the Complaint and cause of action are dismissed with prejudice, the parties to pay their own costs and attorney’s fees. It is

FURTHER ORDERED that a separate Judgment shall issue pursuant to

Fed. R. Civ. P. 58(a). It is

FURTHER ORDERED that the case caption is amended to properly spell

Defendant Adkins’ first name (“Rebecca”).

DATED at Denver, Colorado, this 17th day of February, 2010.

BY THE COURT:



ZITA LEESON WEINSHIENK, Senior Judge
United States District Court

¹See Fed. R. Civ. P. 72(b) advisory committee’s note.