

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01196-CMA-MEH

NATHAN JERARD DUNLAP and
MATTHEW FRANSISCO ALFARO,

Plaintiff,

v.

ARISTEDES ZAVARAS, individually,
ARISTEDED ZAVARAS, in his official capacity as Executive Director of the Colorado Department
of Corrections,
SUSAN JONES, individually,
SUSAN JONES, in her official capacity as the Warden of the Colorado State Penitentiary,
D. COMBS, individually,
D. COMBS, whose true name is unknown, in his official capacity as a hearing committee member,
K. MOORE, individually,
K. MOORE, whose true name is unknown, in her official capacity as a hearing committee member,
J. OLSON, individually, and
J. OLSON, whose true name is unknown, in his official capacity as a hearing committee member,

Defendants.

RECOMMENDATION FOR DISMISSAL OF PARTY WITH PREJUDICE

This matter is before the Court on the Joint Stipulated Motion to Dismiss All Claims Brought by Plaintiff Alfaro [[filed January 26, 2010; docket #45](#)]. By Order of Reference to United States Magistrate Judge, this matter has been referred to me to conduct proceedings in this civil action pursuant to 28 U.S.C. § 636(b)(1)(A) and (B) and Fed. R. Civ. P. 72(a) and (b). This Court, having considered the Stipulation and the record before it (*see* docket #41), hereby RECOMMENDS that the motion be **granted**, that all claims brought by Plaintiff Alfaro be dismissed with prejudice, and

that each party shall pay his or its own costs and attorney's fees.¹

Dated in Denver, Colorado, this 28th day of January, 2010.

BY THE COURT:

A handwritten signature in black ink that reads "Michael E. Hegarty". The signature is written in a cursive style with a large initial "M".

Michael E. Hegarty
United States Magistrate Judge

¹Be advised that all parties shall have fourteen (14) days after service hereof to serve and file any written objections in order to obtain reconsideration by the District Judge to whom this case is assigned. Fed. R. Civ. P. 72(b). The party filing objections must specifically identify those findings or recommendations to which the objections are being made. The District Court need not consider frivolous, conclusive or general objections. A party's failure to file such written objections to proposed findings and recommendations contained in this report may bar the party from a de novo determination by the District Judge of the proposed findings and recommendations. *United States v. Raddatz*, 447 U.S. 667, 676-83 (1980); 28 U.S.C. § 636(b)(1). Additionally, the failure to file written objections to the proposed findings and recommendations within fourteen (14) days after being served with a copy may bar the aggrieved party from appealing the factual findings of the Magistrate Judge that are accepted or adopted by the District Court. *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *Niehaus v. Kansas Bar Ass'n*, 793 F.2d 1159, 1164 (10th Cir. 1986).