

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

Civil Action No. 09-cv-01300-ZLW-CBS

SUE ANNE MICHAELS,

Plaintiff,

v.

AKAL SECURITY, INC., and
ERIC HOLDER, Attorney General, United States Department of Justice,

Defendants.

ORDER

The matter before the Court is Plaintiff's Unopposed Motion For Clarification Of Order, Docket #58 (Doc. No. 62). Plaintiff seeks clarification of this Court's Order dated June 24, 2010, granting in part and denying in part Defendant Attorney General's Motion To Dismiss (Doc. No. 51).

The Court agrees with Plaintiff that there is a typographical error in section "IV. Analysis: V. Akal Claims." Specifically, the reference to Claim Six in that section was unintentional. That section is modified to read as follows:

Although Akal has not filed a motion to dismiss, the Court finds that the reasoning behind dismissing Claim Eight (Retaliation) for the Attorney General applies equally to Plaintiff's claim against Akal. Therefore, the Court will dismiss Claim Eight in its entirety.¹

¹ See *McKinney v. State of Okla. Dept. Of Human Servs.*, 925 F.2d 363, 365 (10th Cir. 1991) (*sua sponte* dismissal under Fed. R. Civ. P. 12(b)(6) appropriate if amendment of complaint would be futile).

The rest of the Order is correct as issued.² Accordingly, it is ORDERED that the Court's Order dated June 24, 2010 (Doc. No. 58) is amended as described above.

DATED at Denver, Colorado, this 11 day of August, 2010.

BY THE COURT:

A handwritten signature in blue ink that reads "Zita Leeson Weinsienk". The signature is written in a cursive style and is positioned above a horizontal line.

ZITA LEESON WEINSHIENK, Senior Judge
United States District Court

²The Court did not intend to dismiss Claim Seven against Defendant Akal, as that Claim was not referenced or briefed by any party in the motion to dismiss.