

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

Civil Action No. 09-cv-01351-ZLW-CBS

PAUL PALECEK,

Plaintiff,

v.

ARISTEDES ZAVARAS,  
KEVIN MILYARD,  
FELICIA BROOKS,  
ERIC HOFFMAN,  
JOHN CHAPDELAINE, and  
JEFF REVORD,  
All defendants in their official and individual capacities,

Defendants.

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ORDER

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The matter before the Court is the Motion To Dismiss By Defendants Aristedes Zavaras, Kevin Milyard And John Chapdelaine (Doc. No. 25). This motion was referred to Magistrate Judge Craig B. Shaffer pursuant to D.C.COLO.LCivR 72.1C. On July 1 2010, the Magistrate Judge issued his Recommendation that the motion be granted in part and denied in part. (Doc. No. 39). 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.”<sup>1</sup> Accordingly, the Court accepts and adopts the Recommendation in its entirety, and it is

ORDERED that the Motion To Dismiss By Defendants Aristedes Zavaras, Kevin Milyard and John Chapdelaine (Doc. No. 25) is granted in part and denied in part. It is

FURTHER ORDERED that Plaintiff’s claim for monetary damages under the Religious Land Use and Institutionalized Persons Act of 2000<sup>2</sup> (RLUIPA) against Defendants Zavaras, Milyard and Chapdelaine is dismissed with prejudice. It is

FURTHER ORDERED that Plaintiff’s claims pursuant to 42 U.S.C. § 1983 against Defendants Zavaras, Milyard, and Chapdelaine in their individual capacities are dismissed with prejudice. It is

FURTHER ORDERED that this action shall proceed on Plaintiff’s claims against Defendants Zavaras, Milyard, and Chapdelaine in their official capacities only for prospective equitable relief under 42 U.S.C. § 1983 and RLUIPA. It is

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<sup>1</sup>See Fed. R. Civ. P. 72(b) advisory committee’s note; Summer v. Utah, 927 F.2d 1165, 1167 (10<sup>th</sup> Cir. 1991); Thomas v. Arn, 474 U.S. 140, 150 (1985).

<sup>2</sup>42 U.S.C. §§ 2000cc *et seq.*

FURTHER ORDERED that this action also shall proceed on all claims asserted against Defendants Brooks, Hoffman, and Revord, who have filed their Answer.

DATED at Denver, Colorado, this 18<sup>th</sup> day of August, 2010.

BY THE COURT:



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ZITA LEESON WEINSHIENK, Senior Judge  
United States District Court