

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

Civil Action No. 09-cv-01476-ZLW-KMT

GERARD M. VUOLO,

Plaintiff,

v.

GARFIELD COUNTY SHERIFFS;
SHERIFF LOU VALLARIO;
GLENWOOD SPRINGS POLICE DEPARTMENT;
OFFICER LA ROCHA;
OWNERS (UNKNOWN) OF BUSINESS "SMOKERS FRIENDLY"; and
POLICE CHIEF TERRY WILSON,

Defendants.

ORDER OF DISMISSAL

The matter before the Court is the Motion To Dismiss Of Defendant Jeff LaRoche¹ (Doc. No. 1). This motion was referred to Magistrate Judge Kathleen M. Tafoya pursuant to D.C.COLO.LCivR 72.1C. On February 19, 2010, the Magistrate Judge issued her recommendation that the Motion to Dismiss be granted (Doc. No. 60). No party filed objections to the Recommendation.

¹Defendant's name is improperly spelled in the Complaint as "LaRocha."

Having reviewed the record and the Recommendation, the Court is satisfied “that there is no clear error on the face of the record.”² Accordingly, the Court accepts and adopts the Recommendation in its entirety, and it is

ORDERED that the Motion To Dismiss Of Defendant Jeff LaRoche (Doc. No. 42; Oct. 13, 2009) is granted. It is

FURTHER ORDERED that Defendant Officer LaRocha is dismissed with prejudice from this action. It is

FURTHER ORDERED that the Complaint and cause of action are dismissed, 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).

DATED at Denver, Colorado, this 15th day of April, 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

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