

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 09-cv-01896-RPM-MJW

DANVIS SMITH,

Plaintiff,

v.

OFFICER JOSEPH P. FLYNN, in his official and individual capacity,

Defendant.

ORDER OF DISMISSAL WITH PREJUDICE

Upon consideration of the Parties' Joint Stipulated Motion for Dismissal With Prejudice [Doc. No. 49] filed December 3, 2010, it is

ORDERED that all of Plaintiff's claims against Defendant are hereby dismissed with prejudice, and the within action is dismissed with prejudice in its entirety, each of the Parties to bear their own costs and attorney fees, except as otherwise agreed by the Parties.

Dated this 3rd day of December, 2010.

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior District Judge