

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior District Judge Richard P. Matsch

Civil Action No. 09-cv-01999-RPM

MIRIAM LEVERINGTON,

Plaintiff,

v.

CITY OF COLORADO SPRINGS doing business as MEMORIAL HEALTH SYSTEM, and
DUAINE PETERS,

Defendants.

ORDER OF DISMISSAL

The complaint in this case seeks recovery under 42 U.S.C. § 1983 for loss of employment on a claim of a violation of the plaintiff's First Amendment protection of freedom of speech, applicable here under the Fourteenth Amendment, based on a statement to the defendant Duaine Peters, a Colorado Springs police officer, during a traffic stop that the plaintiff, a nurse at the defendant Memorial Health System, an agency of the City of Colorado Springs, that she hoped the police officer would not ever be a patient under her care. There is no authority to support a claim that such a single statement in that context can be considered protected speech. Because no First Amendment violation is alleged by the facts alleged in the complaint, it is

ORDERED that this civil action is dismissed for failure to state a claim for relief under Fed.R.Civ.P. 12b(6).

DATED: November 12th, 2009

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior Judge