

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02328-WYD-KLM

WELLMAN GIBSON,

Plaintiff,

v.

ARISTEDES W. ZAVARAS,
KIM BEICKER,
CO LOPEZ,
MAJOR MARTINEZ,
CAPTAIN MATOYER,
SGT. VERENA PACHECO, and
WARDEN HARTLEY,

Defendants.

FINAL JUDGMENT

I. Pursuant to and in accordance with Fed. R. Civ. P. 58(a) and the Order Affirming and Adopting Recommendation of United States Magistrate Judge, filed on April 21, 2010, by the Honorable Wiley Y. Daniel, Chief United States District Judge, and incorporated herein by reference as if fully set forth, it is

ORDERED that the Recommendation of United States Magistrate Judge Mix (ECF Doc. No. 89), filed March 18, 2010, is affirmed and adopted. It is further

ORDERED that Defendant Major Martinez and Claim Two are dismissed with prejudice.

II. Pursuant to and in accordance with Fed. R. Civ. P. 58(a) and the Order Affirming and Adopting Recommendation of United States Magistrate Judge, filed on

September 22, 2010, by the Honorable Wiley Y. Daniel, Chief United States District Judge, and incorporated herein by reference as if fully set forth, it is

ORDERED that the Recommendation of United States Magistrate Judge Mix (ECF Doc. No. 108), filed August 10, 2010, is affirmed and adopted. It is further

ORDERED that judgment is hereby entered in favor of Defendants, Aristedes W. Zavaras; Kim Beicker; Captain Metoyer; and Warden Hartley, and against Plaintiff, Wellman Gibson, on Defendants' Motion for Summary Judgment on claims Three and Four for failure to exhaust. It is further

ORDERED that Plaintiffs Claims Three and Four are dismissed without prejudice. It is further

ORDERED that judgment is hereby entered in favor of Defendants, Aristedes W. Zavaras and Captain Metoyer, and against Plaintiff, Wellman Gibson, on Defendants' Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(6) for failing to allege that Defendants personally participated in the alleged constitutional violation. It is further

ORDERED that the claims against Defendant Lopez are dismissed without prejudice pursuant to Fed. R. Civ. P. 4(m) for failure to serve Defendant Lopez within 120 days.

III. Pursuant to and in accordance with Fed. R. Civ. P. 58(a) and the Order Affirming and Adopting Recommendations of United States Magistrate Judge, filed on September 13, 2012, by the Honorable Wiley Y. Daniel, Chief United States District Judge, and incorporated herein by reference as if fully set forth, it is

ORDERED that the First Recommendation of United States Magistrate Judge Mix (ECF Doc. No. 203), filed March 14, 2012, is affirmed and adopted. It is further

ORDERED that judgment is hereby entered in favor of Defendant Sgt. Verena Pacheco, and against Plaintiff, Wellman Gibson, on Defendant's Motion for Summary Judgment (ECF Doc. No. 173) as to Plaintiff's equal protection, due process and RLUIPA claims only.

FURTHER ORDERED that the Second Recommendation of United States Magistrate Judge Mix (ECF Doc. No. 213), filed April 16, 2012, is affirmed and adopted. It is further

ORDERED that Defendant Sgt. Verena Pacheco's Motion to Dismiss Plaintiff's Claims for Injunctive Relief as Moot (ECF Doc. No. 204) is granted and that Plaintiff's case is dismissed pursuant to Fed. R. Civ. P. 12(b)(1).

ORDERED that plaintiff's amended complaint and this civil action are dismissed.

DATED at Denver, Colorado this 14th day of September, 2012.

FOR THE COURT:

JEFFREY P. COLWELL, CLERK

By: s/ Edward P. Butler
Edward P. Butler,
Deputy Clerk