

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
LEWIS T. BABCOCK, JUDGE**

Civil Case No. 10-cv-00023-LTB-KMT

VINCENT E. WELLS,

Plaintiff,

v.

STEPHEN R. KREBS, M.D., Medical Director, Physician Health Partners,  
JOSEPH FORTUNATO, M.D., Sterling Correctional Facility,  
BARRY GOLDSMITH, M.D., Sterling Correctional Facility,  
PAULA FRANZ, M.D., Medical Director, Colorado Department of Corrections,  
JO ANNE STOCK, P.A., Sterling Correctional Facility,  
BEVERLY DOWIS, Health Service Administrator, and  
CHERYL SMITH, Clinical Chief of Operations, Colorado Department of Corrections,

Defendants.

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**ORDER**

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This case is before me on the recommendation of the Magistrate Judge issued and served on September 1, 2010 (Doc 97). Plaintiff has file timely written objections to the Magistrate Judge's Recommendations and Defendants have filed timely written response to Plaintiff's objections.

I have reviewed the Magistrate Judge's Recommendations *de novo* in light of the objections, Defendants' response, and the file and record in this case. On *de novo* review, I conclude that the Recommendations are correct. Accordingly, it is

ORDERED as follows:

1. Defendants' Motion for Summary Judgment (Doc 57) is GRANTED.
2. Plaintiff's Motion for Preliminary Injunction (Doc 5) is DENIED.

3. Plaintiff's Request for Temporary Restraining Order (Doc 31) is DENIED.
4. This action is DISMISSED WITH PREJUDICE.

BY THE COURT:

s/Lewis T. Babcock  
Lewis T. Babcock, Judge

DATED: November 1, 2010