

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Christine M. Arguello**

Civil Action No. 10-cv-01793-CMA-KLM

FRANCISCO TORRES,

Plaintiff,

v.

COMMERCE CITY POLICE OFFICER NICHOLAS LANGDON,
COMMERCE CITY POLICE OFFICER MICHAEL KIM, and
CITY OF COMMERCE CITY, Jointly and Severally,

Defendants.

ORDER DISMISSING CERTAIN CLAIMS WITH PREJUDICE

The parties' Stipulated Motion To Dismiss Certain Claims With Prejudice (Doc. # 34) is GRANTED. It is

ORDERED that, pursuant to the Stipulated Motion, the following claims are hereby DISMISSED WITH PREJUDICE, each party to bear his or its own costs and attorney's fees with respect to these claims:

- 1) *Monell* claim against the City of Commerce City;
- 2) Fifth and Fourteenth Amendment claims against Defendant Officers Langdon and Kim;
- 3) Constitutional failure to properly train and supervise against the City of Commerce City; and
- 4) Refusing or neglecting to prevent (including conspiracy) against Defendant Officers Langdon and Kim.

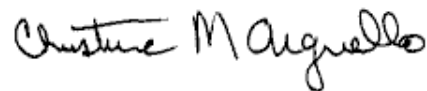
The only claims remaining in this case are the Fourth Amendment excessive force claims against Defendant Officers Langdon and Kim as contained in Plaintiff's Second Claim for Relief.

IT IS FURTHER ORDERED that the City of Commerce City is to be DISMISSED WITH PREJUDICE as a party to the above-captioned action. The caption on all subsequent filings shall reflect the removal of the City of Commerce City as a Defendant in this case.

IT IS FURTHER ORDERED that because this Order addresses all issues asserted by Defendants in their Combined Motion and Memorandum Brief In Support of Motion for Partial Summary Judgment (Doc. # 32), said Motion is hereby DENIED AS MOOT.

DATED: May 18, 2011

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge