IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-02277-BNB

STEVEN JOSHUA KARP,

     Plaintiff,

v.

KIRK G. GARRETT, Correctional Officer,
COLORADO DEPARTMENT OF CORRECTIONS WARDEN (Name Unknown), and
DENVER RECEIVING AND DIAGNOSTIC CENTER, Colorado Department of
     Corrections

     Defendants.

ORDER TO DISMISS IN PART AND TO DRAW IN PART

Plaintiff, Steven Joshua Karp, is in the custody of the Colorado Department of Corrections (DOC) and currently is incarcerated at the Arkansas Valley Correctional Facility in Crowley, Colorado. Mr. Karp initiated this action by filing a Prisoner Complaint pursuant to 42 U.S.C. § 1983, asserting that he was subjected to excessive force in violation of his Eighth Amendment rights. Mr. Karp seeks nominal, compensatory, and punitive damages.

The claims asserted against Defendants Kirk G. Garrett and DOC Warden will be drawn to a district judge and to a magistrate judge. Defendant Denver Receiving and Diagnostic Center, however, is not a person for the purpose of a 42 U.S.C. § 1983 action and will be dismissed as an improper party to the action. Accordingly, it is

ORDERED that Defendant Denver Receiving and Diagnostic Center shall be dismissed from the action. It is

FURTHER ORDERED that the claims asserted against Defendants Kirk G. Garrett and DOC Warden shall be drawn to a district judge and to a magistrate judge.

DATED at Denver, Colorado, this 25th day of October , 2010.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge, for
ZITA LEESON WEINSHIENK, Senior Judge
United States District Court

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. 10-cv-02277-BNB

Steven Joshua Karp
Prisoner No. 104293
Arkansas Valley Corr. Facility
PO Box 1000
Crowley, CO 81034

     I hereby certify that I have mailed a copy of the order **ORDER** to the above-named individuals on 10/25/10

GREGORY C. LANGHAM, CLERK

By: _____
           Deputy Clerk