

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Boyd N. Boland

Civil Action No. 11-cv-00015-PAB-BNB

KENNITH MEADOWS,

Plaintiff,

v.

LIEUTENANT JUDY KNIGHT,

Defendant.

ORDER

This matter arises on the defendant's **Motion to Dismiss** [Doc. #7, filed 03/28/2011].

The plaintiff filed his Complaint on January 4, 2011. The Complaint asserts one claim for violation of the plaintiff's Eighth Amendment rights. The defendant filed a motion to dismiss the claim on March 28, 2011, arguing that the Complaint fails to state a claim for relief. On November 23, 2011, she filed a motion for summary judgment [Doc. #25], making the same arguments as those in the motion to dismiss, but supported by evidence. As a matter of judicial economy, the arguments will be addressed in connection with the defendant's motion for summary judgment.

IT IS ORDERED that the Motion to Dismiss [Doc. #7] is DENIED without prejudice as moot.

Dated December 12, 2011.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge