

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Case No. 11-cv-00967-REB-KMT

TIMOTHY JOHN KENNEDY,

Plaintiff,

v.

MARK A. FINLEY,
ERNEST ROGER PEELE,
SHERIFF JOHN WESLEY ANDERSON,
EL PASO COUNTY SHERIFF'S OFFICE, and
UNITED STATES OF AMERICA,

Defendants.

ORDER

Blackburn, J.

This matter is before me on the **Mandate** [#98]¹, filed March 4, 2014, of the United States Court of Appeals for the Tenth Circuit. Pursuant to the **Order and Judgment** [#97], filed January 10, 2014, of the appellate court, I am directed to dismiss the claims against defendant, Ernest Roger Peele, whom the Tenth Circuit has found to be entitled to qualified immunity as to his pretrial statements.

THEREFORE, IT IS ORDERED as follows:

1. That plaintiff's claims against defendant, Ernest Roger Peele, are **DISMISSED WITH PREJUDICE**;
2. That at the time judgment enters, judgment with prejudice **SHALL ENTER** for

¹ “[#98]” is an example of the convention I use to identify the docket number assigned to a specific paper by the court's case management and electronic case filing system (CM/ECF). I use this convention throughout this order.

defendant, Ernest Roger Peele, against plaintiff, Timothy John Kennedy, on all claims for relief and causes of action;

3. That defendant, Ernest Roger Peele, is **AWARDED** his costs to be taxed by the clerk of the court under Fed. R. Civ. P. 54(d)(1) and D.C.COLO.LCivR 54.1; and

4. That defendant, Ernest Roger Peele, is **DROPPED** as a named party to this action, and the case caption is **AMENDED** accordingly.

Dated April 14, 2014, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge