

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 11-cv-01371-PAB-MJW

CHRISTOPHER P. IMESON,

Plaintiff,

v.

YVONNE RAMIREZ, in her individual capacity,

Defendant.

FINAL JUDGMENT

In accordance with the orders filed during the pendency of this case, and pursuant to Fed. R. Civ. P. 58(a), the following Final Judgment is hereby entered.

Pursuant to the Order (Doc #30) of Judge Philip A. Brimmer entered on February 23, 2012; and the Order (Doc #31) of Judge Philip A. Brimmer entered on October 26, 2012, it is

1. ORDERED that The Recommendation of United States Magistrate Judge [Docket No. 29] is ACCEPTED.
2. The Motion to Dismiss Prosecutor Defendants [Docket No. 5] is granted, and the Complaint is dismissed with prejudice as against defendants Mark Hurlbert and Tamar Wilson.
3. The Motion to Dismiss Pursuant to Rule 12(b)(1) and 12(b)(6) [Docket No. 9] filed by defendants Kozak and Ramirez is granted as follows: with regard to defendant Kozak, the motion is granted and the Complaint is dismissed with prejudice. With regard to defendant Ramirez, the motion is granted, and the

Complaint is dismissed without prejudice. Plaintiff may seek leave to amend his pleading solely with respect to a malicious prosecution claim pursuant to 42 U.S.C. § 1983 against defendant Ramirez in her individual capacity.

4. Defendant Town of Avon's Motion to Dismiss Pursuant to Rule 12(b)(6) [Docket No. 16] is GRANTED.

5. The Complaint is dismissed without prejudice as against unserved defendant Arndt pursuant to Fed. R. Civ. P. 4(m) based upon plaintiff's failure to prosecute and failure to serve defendant Arndt unless plaintiff shows good cause for failing to serve defendant Arndt.

6. The Court dismissed plaintiff's claims against Yvonne Ramirez without prejudice and allowed plaintiff to seek leave to amend his pleading "solely with respect to a malicious prosecution claim pursuant to 42 U.S.C. § 1983 against defendant Ramirez in her individual capacity." However, plaintiff has not sought leave to amend his complaint or made any other filings in this case since the Court's order. Accordingly

IT IS FURTHER ORDERED that the action is dismissed in its entirety.

Dated at Denver, Colorado this 14th day of November, 2012.

FOR THE COURT:
JEFFREY P. COLWELL, CLERK

By: s/Edward P. Butler

Edward P. Butler, Deputy Clerk