

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

Civil Action No. 11-cv-02712-REB-KMT

LEROY DAMASIO FRESQUEZ,

Plaintiff,

v.

SHERIFF TED MINKS,
MICHAEL FISH, Detention Service Manager,
JOHN DOE (CAPTAIN), March 5, 2010,
LT. MARTINALLI,
LT. G. GITTIN,
LT. J. LUCAS,
ADMINISTRATIVE SGT. RENFRO,
SGT. TROY BETKA,
SGT. SCOTT HAPP,
SGT. STEVEN WYGANT,
OFFICER KATHRINE FEROE,
DEPUTY SHERIFF CRUMBAKER,
DEPUTY SHERIFF RYAN VIERS,
DEPUTY SHERIFF DUSTIN DYELING,
DEPUTY SHERIFF ANTHONY KOTRIS,
DEPUTY SHERIFF DONALD SPRINGFIELD,
DEPUTY SHERIFF HOLLEY,
DEPUTY SHERIFF JAMES GELEUDE,
DEPUTY SHERIFF JASON RICHARDSON,
DEPUTY SHERIFF REID PERRY,
DEPUTY SHERIFF WILLIAM BOHM,
DEPUTY SHERIFF ERIK BOUGHAM,
DEPUTY SHERIFF HERBERT LONGSHORE,
DEPUTY SHERIFF #1958 (Name Unknown),
COUNSELOR MIKE COLLINS,
COUNSELOR SUPERVISOR DEBRA ELUDO,
CORRECTIONAL HEALTHCARE MANAGEMENT,
CLAUDIA VAN BUREN/HSA,
RAYMOND HERR, Responsible Physician,
TRACY HAINES, LPN, and
KATHERINE BECERRA, RN,

Defendants.

FINAL JUDGMENT

Pursuant to Fed. R. Civ. P. 58(a), and the orders entered in this case, **Final Judgment** is entered.

A. Pursuant to the **Order To Dismiss in Part and To Draw in Part to District Judge and Magistrate Judge** [#26] entered by Senior Judge Lewis T. Babcock on March 22, 2012, which order is incorporated by reference,

IT IS ORDERED as follows:

1. That Defendants Chantel Corkle, Douglas K. Wilson, Writer Mott, Laura Wassmuth, and Dennis Hall are **DISMISSED** from the action and the claims asserted against them are dismissed as legally frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i).

B. Pursuant to the **Order Adopting Recommendations of the United States Magistrate Judge** [#136] entered by Judge Robert E. Blackburn on March 19, 2013, which order is incorporated by reference,

IT IS ORDERED as follows:

1. That the **Jefferson County Sheriff Defendants' Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6)** [#54] filed May 10, 2012, is **GRANTED**;

2. That the **CHM Defendants' Combined Motion and Brief to Dismiss Second Amended Prisoner's Complaint** [#80] filed June 15, 2012, is **GRANTED**;

3. That under 28 U.S.C. § 1915(e)(2)(B), the claims against the unnamed defendants are **DISMISSED** for failure to state a claim on which relief can be granted;

4. That under FED. R. CIV. P. 12(b)(6), all claims against all defendants, as alleged in the plaintiff's **Second Amended Prisoner's Complaint** [#17], are **DISMISSED**;

5. That under 28 U.S.C. § 1915(a)(3), the order certifies that any appeal from the recommendation [#130] and the order would not be taken in good faith and, therefore, any appeal from the recommendation and the order may not be taken *in forma pauperis*;

6. That **JUDGMENT IS ENTERED** in favor of each of the defendants against the plaintiff, Leroy Damasio Fresquez;

7. That the defendants are **AWARDED** their costs to be taxed by the clerk of the court pursuant to Fed. R. Civ. P. 54(d)(1) and D.C.COLO.LCivR 54.1.

DATED at Denver, Colorado, this 20th day of March, 2013.

FOR THE COURT:

JEFFREY P. COLWELL, CLERK

By: s/Edward P. Butler
Edward P. Butler
Deputy Clerk