

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martínez**

Civil Action No. 11-cv-2822-WJM

JAMES M. BERTOLO,

Plaintiff,

v.

TOM BENEZEE, Lieutenant CTCF,
R. VIOLA, CTCF Mailroom,
M. GARCIA, CTCF Mailroom,
DIANE MILLER, CTCF Mailroom,
MIKLICH, Major, CTCF Reading Committee,
WORTHEN, Lieutenant, CTCF Reading Committee,
JOY HART, CTCF Reading Committee,
KEITH NORDELL,
MARSHALL GRIFFITH,
STEVE HAGER,
SUSAN JONES,
MIRA LONGGLOSS,
BURL MCCULLAR, and
KIRK MACHIN, all CDOC Springs Employees and Members of Central Reading
Committee,

Defendants.

FINAL JUDGMENT

Pursuant to and in accordance with Fed. R. Civ. P. 58(a); all previous Orders entered in this case; and the Order Adopting the Recommendation of the United States Magistrate Judge and Granting Defendants' Motion to Dismiss, entered by the Honorable William J. Martínez, United States District Judge, on March 22, 2013,

IT IS ORDERED THAT the Recommendation of the United States Magistrate Judge (ECF No. 59) is ADOPTED and Defendants' Motion to Dismiss Pursuant to Fed.

R. Civ. P. 12(b)(1) and (6) and for Summary Judgment (ECF No. 51) is GRANTED.

IT IS FURTHER ORDERED that Plaintiff's claims against Defendants in their official capacities, claims under the Eighth Amendment for inadequate medical care, and claims under the First and Sixth Amendments for telephone restrictions are DISMISSED without prejudice for failure to exhaust administrative remedies;

IT IS FURTHER ORDERED that the remainder of Plaintiff's claims are DISMISSED with prejudice.

IT IS FURTHER ORDERED that Final Judgment is entered for Defendants and against the Plaintiff on all claims. Each party shall bear his or her own costs.

DATED at Denver, Colorado this 22nd day of March, 2013.

FOR THE COURT
JEFFREY P. COLWELL, Clerk

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