

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Senior District Judge Richard P. Matsch

Civil Action No. 11-cv-03106-RPM

LORENA OSORIO-RUELAS and  
IVAN GOMEZ,

Plaintiffs,

v.

COLORADO DIVISION OF GAMING AGENT ROGER SCHNEIDER, COLORADO  
DIVISION OF GAMING AGENT ANTHONY WEBB, and  
BRONCO BILLY'S CASINO (PIONEER GROUP INC.),

Defendants.

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ORDER DISMISSING FIFTH AND SIXTH CLAIMS FOR RELIEF WITHOUT  
PREJUDICE

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The complaint, filed in this case on November 29, 2011, contains claims against Pioneer Group, Inc., d/b/a Bronco Billy's Casino as the Fifth Claim for Relief (conversion) and Sixth Claim for Relief (breach of contract) by Ivan Gomez as the named plaintiff. Jurisdiction of those claims is alleged under 28 U.S.C. § 1367(a). Pioneer Group, Inc., d/b/a Bronco Billy's Casino filed a motion for summary judgment for dismissal of those claims on the merits. The motion addresses the plaintiff as Ivan Gomez. In response, the plaintiff is identified as Ivan Gamez-Sierras and the response includes an affidavit signed in that name. That is also the name given in the plaintiffs' amended statements of facts, filed April 27, 2012. It is assumed that Ivan Gomez and Ivan Gamez-Sierras are the same person whose correct name is Ivan Gamez-Sierras.

This civil action is brought under 42 U.S.C. § 1983 and related statutes on the claims of Lorena Osorio-Ruelas for violations of rights protected by the United States Constitution alleged against defendants Roger Schneider and Anthony Webb. Although there is reference in the complaint to attorneys fees and costs paid by Ivan Gomez for defense of charges made against her, that is not a separate claim. The issues relating to the Fifth and Sixth Claims for Relief are not sufficiently connected to the constitutional claims made in this case and the small amounts in issue do not warrant the exercise of this Court's jurisdiction. Accordingly, pursuant to this Court's discretion in the exercise of supplemental jurisdiction, both claims will be dismissed without prejudice. Because those are the only claims that properly belong to Ivan Gomez, he will be dismissed from this civil action. Accordingly, it is now

ORDERED that the Fifth and Sixth Claims for Relief against defendant Pioneer Group, Inc., d/b/a Bronco Billy's Casino are dismissed without prejudice and it is

FURTHER ORDERED that Ivan Gomez (Ivan Gamez-Sierras) is dismissed as a plaintiff in this civil action, and it is

FURTHER ORDERED that the caption of this case shall be changed to provide that Lorena Osorio-Ruelas is the named plaintiff and Roger Schneider and Anthony Webb, individually, are the named defendants.

DATED: May 21<sup>st</sup>, 2012

BY THE COURT:

s/Richard P. Matsch

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Richard P. Matsch, Senior Judge