

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

Civil Action No. 11-cv-03253-CMA-MEH

DARLENE GAYNEL FOGLE, and
RONALD JENNINGS FOGLE,

Plaintiffs,

v.

ARCHER THOMAS ELLIOTT, JR., in his 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 Adopting in Part the September 18, 2012 Recommendation of United States Magistrate Judge, entered on October 31, 2012 by Judge Christine M. Arguello, it is

ORDERED that Defendant's Renewed Motion to Dismiss and to Strike (Doc. # 72) be GRANTED IN PART AND DENIED IN PART, as specified in the Magistrate Judge's Recommendation. It is

FURTHER ORDERED that this case be DISMISSED WITHOUT PREJUDICE for lack of subject matter jurisdiction.

DATED at Denver, Colorado, this 1st day of November, 2012.

FOR THE COURT:
JEFFREY P. COLWELL, CLERK

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