

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-03292-MSK-BNB

EARL J. CLINTON,
ESTATE OF HEATHER E. CLINTON, deceased by R. GREGORY HALLER, Personal
Representative,
LARRY CLINTON, and
CHERYL CLINTON,

Plaintiffs,

v.

NATHAN CORDOVA,
KAREN HARRINGTON,
MAUREEN COOPER,
JOHN DOES #1-5,
JANE DOES #1-5,
MARK PERKINS,
SEAN HAUSER, and
JOSE EA. DOMINGUEZ,

Defendants.

FINAL JUDGMENT

In accordance with 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 Electronic Text-Only Order filed on October 4, 2012, adopting the Recommendation issued by the Magistrate Judge (**Doc. #43**) to grant the State Defendants' Motion to Dismiss (**Doc. #27**),

IT IS ORDERED that Defendants Cordova, Harring, Cooper, and Perkins' Motion to Dismiss is GRANTED, and the sole claim asserted against those Defendants is DISMISSED for failure to state a claim.

IT IS FURTHER ORDERED that, as Plaintiffs invoked the Court's subject matter jurisdiction in this action on federal question grounds, and as the only remaining claim against remaining Defendants Dominguez and Hauser sounds in negligence under state law, the negligence claim against Defendants Dominguez and Hauser is DISMISSED WITHOUT PREJUDICE for lack of subject matter jurisdiction

Final Judgment is entered in favor of the defendants and against the plaintiffs, and the case is closed.

IT IS FURTHER ORDERED 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 16th day of November, 2012.

FOR THE COURT:

JEFFREY P. COLWELL, CLERK

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