

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

Civil Action No. 12-cv-00336-CMA-KMT

DENNY BENTON,

Plaintiff,

v.

TOWN OF SOUTH FORK AND POLICE DEPARTMENT, Individually,
RANDY HERRERA, Former Police Chief, and
JAMES CHAVEZ, Current Police Chief,

Defendants.

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 and Affirming February 12, 2013 Recommendation of United States Magistrate Judge of Judge Christine M. Arguello entered on March 29, 2013 it is

ORDERED that the February 12, 2013 Recommendation of United States Magistrate Judge Kathleen M. Tafoya (Doc. # 97) is AFFIRMED and ADOPTED as an Order of this Court. It is

FURTHER ORDERED that pursuant to the Recommendation, that the Motion to Dismiss Pursuant to F.R.C.P. 12(b)(1) & (6), filed by Defendants Town of South Fork, Town of South Fork Police Department, and James Chavez (Doc. # 16), as well as Defendant Randy Herrera's Motion to Dismiss Pursuant to F.R.C.P. 12(b)(1) & (6) (Doc. 72), are GRANTED such that all of Plaintiff's federal-law claims against these

Defendants are DISMISSED WITH PREJUDICE, and the Court declines to exercise supplemental jurisdiction over Plaintiff's state-law claims, which are DISMISSED WITHOUT PREJUDICE. It is

FURTHER ORDERED that the Motion to Dismiss of Defendants Colorado State Patrol and Pam Stewart (Doc. # 31) is DENIED AS MOOT. As such, it is ORDERED that this case is DISMISSED in its entirety.

Dated at Denver, Colorado this 29th day of March, 2013.

FOR THE COURT:
JEFFREY P. COLWELL, CLERK

By: s/Sandra Hartmann

Sandra Hartmann
Deputy Clerk