

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Robert E. Blackburn**

Civil Action No. 12-cv-00936-REB-KMT

JOHN MORGAN,  
DUSTIN COOK,  
PAUL STARK, and  
JERROD THOELE,

Plaintiffs,

v.

TOM CLEMENTS, Executive Director of the Colorado Department of Corrections, in his official capacity,  
JEFFREY WELLS, Community Parole Officer, in his individual and official capacities,  
JIM KELLER, Colorado Department of Corrections Parole Team Leader, in his individual and official capacities,  
LIESL SCHUMACHER, Colorado Department of Corrections Parole Supervisor, in his individual and official capacities,  
JOHN OREY, Colorado Department of Corrections Parole Supervisor, in his individual and official capacities, and  
JAMES J. FITZPATRICK, Commander, Special Operations Unit, in his individual and official capacities,

Defendants.

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**ORDER OF DISMISSAL OF JAMES FITZPATRICK, ONLY**

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**Blackburn, J.**

The matter is before the court on **Plaintiffs' Unopposed Motion To Dismiss James Fitzpatrick and Amend Caption** [#34]<sup>1</sup> filed August 24, 2012. After reviewing the motion and the record, I conclude that the motion should be granted and that plaintiffs' claims against defendant James Fitzpatrick should be dismissed.

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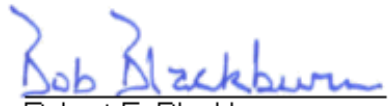
<sup>1</sup> "[#34]" is an example of the convention I use to identify the docket number assigned to a specific paper by the court's electronic case filing and management system (CM/ECF). I use this convention throughout this order.

**THEREFORE, IT IS ORDERED** as follows:

1. That **Plaintiffs' Unopposed Motion To Dismiss James Fitzpatrick and Amend Caption** [#34] filed August 24, 2012, is **GRANTED**;
2. That plaintiffs' claims against defendant James Fitzpatrick are **DISMISSED**;  
and
3. That defendant James Fitzpatrick is **DROPPED** as a named party to this action, and the case caption is amended accordingly.

Dated August 24, 2012, at Denver, Colorado.

**BY THE COURT:**

  
Robert E. Blackburn  
United States District Judge