

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-01107-WYD-MJW

MELVEN LIPS and
JULIEN LIPS,

Plaintiffs,

v.

SERGEANT JASON ANDERSON, in his individual and official capacities;
DETECTIVE CESAR MADRIGAL, in his individual and official capacities;
SERGEANT STEVE CROUSHORE, in his individual and official capacities; and
DETECTIVE JOSEPH POLLACK, in his individual and official capacities.

Defendants.

ORDER

This matter is before the Court upon the parties' "Stipulated Motion to Dismiss" (ECF No. 18), filed on July 18, 2013. Having reviewed the Stipulated Motion and being fully advised in the premises, it is

ORDERED that the Stipulated Motion to Dismiss (ECF No. 18) is **GRANTED**. Defendant Jason Anderson is **DISMISSED** from this action. Additionally, all official capacity claims against Defendants Madrigal and Pollack are **DISMISSED**, each party to bear his, her or its own costs and fees. Accordingly, the Clerk shall amend the case caption to reflect that Defendants Madrigal and Pollack are only being sued in their individual capacities. It is

FURTHER ORDERED that Defendants Anderson, Madrigal, Croushore and Pollack's Motion for Summary Judgment Against Melvin and Julien Lips (ECF No. 114)

is **DENIED WITHOUT PREJUDICE**. The motion is partially moot as it seeks summary judgment of claims asserted against Defendants Anderson, Madrigal and Pollack. Defendants may if they wish file a new motion for summary judgment that takes into account the current status of the case and tailors the motion to the remaining Defendants and claims.

Dated: July 19, 2013

BY THE COURT:

s/ Wiley Y. Daniel
Wiley Y. Daniel
Senior United States District Judge