

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

Civil Action No. 12-cv-01191-REB-BNB

ROBERT BLACKMAN,

Plaintiff,

v.

DAN CLARK, Lieutenant, ADX Florence, Colorado,

Defendant.

FINAL JUDGMENT

Pursuant to Fed. R. Civ. P. 58(a), and the orders entered in this case, the following **Final Judgment** is entered.

A. Pursuant to the **Order To Dismiss in Part and Assigning Case** [#5] entered by Senior Judge Lewis T. Babcock on July 5, 2012, which order is incorporated by reference,

IT IS ORDERED as follows:

1. That Defendants Davis and Duling are **DISMISSED** as parties to this action;
and

2. That Defendant Blackman's claims asserting a deprivation of his Fifth Amendment due process rights, his Eighth Amendment right to humane conditions of confinement, his constitutional right of access to the courts, and his retaliation claim (against Defendant Davis and Duling), are **DISMISSED** as legally frivolous pursuant to § 1915A(b)(1).

B. Pursuant to the **Order Adopting Recommendation of the United States**

Magistrate Judge [#26] entered by Judge Robert E. Blackburn on April 4, 2013, which order is incorporated by reference,

IT IS ORDERED as follows:

1. That **Defendant's Motion for Summary Judgment for Failure to Exhaust Administrative Remedies** [#19], filed November 7, 2012, is **GRANTED**;

2. That plaintiff's sole remaining claim for retaliation is **DISMISSED WITH PREJUDICE**; and

3. That **JUDGMENT IS ENTERED** on behalf of defendant, Dan Clark, Lieutenant, ADX Florence, Colorado, against plaintiff, Robert Blackman, as to plaintiff's sole remaining claim for retaliation; provided, that the **JUDGMENT** as to this claim **IS WITH PREJUDICE**.

DATED at Denver, Colorado, this 9th day of April, 2013.

FOR THE COURT:

JEFFREY P. COLWELL, CLERK

By: s/Edward P. Butler

Edward P. Butler
Deputy Clerk