

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Craig B. Shaffer

Civil Action No. 12-cv-01471-CBS

MICHAEL RUDKIN,
Plaintiff,

v.

DAVID ALLRED,
ANTHONY OSAGIE,
C.A. WILSON, and
BUREAU OF PRISONS,
Defendants.

ORDER DISMISSING CIVIL ACTION

This civil action came before the court on July 10, 2013 for a preliminary Scheduling and Status Conference. On February 26, 2013, this case was referred to Magistrate Judge Craig B. Shaffer to handle all dispositive matters including trial and entry of a final judgment in accordance with 28 U.S.C. 636(c), Fed. R. Civ. P. 73, and D.C. COLO. LCivR 72.2. (See Doc. # 42). The court having discussed the case in open court with Plaintiff and defense counsel on July 10, 2013 and reviewed Mr. Rudkin's Notice of Dismissal (filed June 3, 2013 (Doc. # 48)), the court's Memorandum Opinion and Order dated April 29, 2013 (Doc. # 45), the entire case file, and the applicable law and now being sufficiently advised in the premises, IT IS ORDERED that:

1. The claim brought pursuant to the Federal Tort Claims Act against Defendant Bureau of Prisons has been dismissed without prejudice for lack of subject matter jurisdiction based on failure to exhaust administrative remedies.
2. The claims brought pursuant to *Bivens* against Defendants Allred, Osagie,

and Wilson in their official capacities have been dismissed without prejudice for lack of subject matter jurisdiction based on sovereign immunity.

3. The claims brought pursuant to *Bivens* against Defendants Allred, Osagie, and Wilson in their individual capacities have been voluntarily dismissed by Plaintiff with prejudice.

4. All claims against all Defendants having been dismissed, this civil action is closed.

DATED at Denver, Colorado, this 10th day of July, 2013.

BY THE COURT:

s/Craig B. Shaffer
United States Magistrate Judge