

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

Civil Action No. 12-cv-02532-REB-MEH

JANOS TOEVS,

Plaintiff,

v.

KEVIN MILYARD, in his official and individual capacities,  
RICK RAEMISCH, CDOC Executive Director, in his official capacity,  
ARISTEDES ZAVARES, in his official and individual capacities,  
CAPTAIN WHITNEY, in his official and individual capacities,  
C.O. MERRILL, in his official and individual capacities,  
C.O. RALSTON, in his official and individual capacities,  
BERNADETTE SCOTT, in her official and individual capacities,  
SGT. CHRISTIANS, in his official and individual capacities,,

Defendant.

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**FINAL JUDGMENT**

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This **Final Judgment** is entered pursuant to Fed. R. Civ. P. 58(a) and in accordance with the **Order Overruling Objections to and Adopting Recommendations of the United States Magistrate Judge** [#59] entered by Judge Robert E. Blackburn on October 30, 2013, which order is incorporated herein by this reference.

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

1. That the objections stated in plaintiff's **Objection to Magistrate's Recommendation** [#49], filed August 8, 2013, are **OVERRULED**;
2. That the **Recommendation of United States Magistrate Judge** [#44], filed August 1, 2013, is **APPROVED** and **ADOPTED** as an order of this court;

3. That the objections stated in plaintiff's **Objection to Magistrate's Recommendation** [#58], filed October 22, 2013, are **OVERRULED**;

4. That the **Recommendation of United States Magistrate Judge** [#57], filed October 10, 2013, is **APPROVED** and **ADOPTED** as an order of this court;

5. That defendants' **Motion To Dismiss or Motion for Summary Judgment** [#21], filed May 24, 2013, is **GRANTED**;

6. That defendant Rick Raemisch's **Motion To Dismiss or Motion for Summary Judgment** [#53], filed August 26, 2013, is **GRANTED**;

7. That plaintiff's claims are **DISMISSED** as follows:

a. That plaintiff's claims for money damages against all defendants in their official capacities are **DISMISSED WITH PREJUDICE**;

b. That plaintiff's remaining claims against all defendants in their official and individual capacities are **DISMISSED WITHOUT PREJUDICE**;

8. That judgment **SHALL ENTER** on behalf of defendants, Kevin Milyard, in his official and individual capacities; Rick Raemisch, CDOC Executive Director, in his official capacity; Aristedes Zavares, in his official and individual capacities; Captain Whitney, in his official and individual capacities; C.O. Merrill, in his official and individual capacities; C.O. Ralston, in his official and individual capacities, Bernadette Scott, in her official and individual capacities; and Sgt. Christians, in his official and individual capacities, against plaintiff, Janos Toevs, as to all claims for relief and causes of action asserted by plaintiff; provided, as follows:

a. That the judgment as to plaintiff's claims against defendants in their official capacities for monetary damages shall be with prejudice; and

b. That the judgment as to all plaintiff's remaining claims against defendants in their official and individual capacities shall be without prejudice; and

9. That the defendants are **AWARDED** their costs to be taxed by the Clerk of the Court pursuant to Fed.R.Civ.P. 54(d)(1) and D.C.COLO.LCivR 54.1.

DATED at Denver, Colorado, this 31<sup>st</sup> day of October 2013.

FOR THE COURT:

Jeffrey P. Colwell, Clerk

By: s/Kathleen Finney  
Kathleen Finney  
Deputy Clerk