

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-02677-BNB

LARRY C. MILLER,

Plaintiff,

v.

CDOC EXECUTIVE DIRECTOR TOM CLEMENTS,
CORRECTIONS CORPORATION OF AMERICA (CCA),
WARDEN MILLER, Crowley County Corrections Facility (CCCF),
CAPTAIN KASTELIC, Shift Commander CCCF,
INMATE DANIEL REIMER #98949, CCCF/Denver Parole,
LT. RIDGWELL, CCCF-5 Hearings Officer, AND
INVESTIGATOR BROWNSTEIN, CCCF Security/Investigations,

Defendants.

ORDER TO DISMISS IN PART AND TO DRAW CASE
TO A DISTRICT JUDGE AND TO A MAGISTRATE JUDGE

Plaintiff, Larry C. Miller, is a prisoner in the custody of the Colorado Department of Corrections at the Fremont Correctional Facility in Cañon City, Colorado. Mr. Miller initiated this action by filing *pro se* a Prisoner Complaint (ECF No. 1). On November 30, 2012, Magistrate Judge Boyd N. Boland entered an order directing Mr. Miller to file an amended complaint within thirty days if he wishes to pursue his claims against the following Defendants: CDOC Executive Director Tom Clements, Corrections Corporation of America, and Warden Miller. In a motion (ECF No. 12) filed on December 20, 2012, Mr. Miller states that he is electing to dismiss these three Defendants from this action.

The Court construes the motion (ECF No. 12) as a notice of voluntary dismissal

by Mr. Miller of his claims against CDOC Executive Director Tom Clements, Corrections Corporation of America, and Warden Miller, which are claims eight, nine, and ten in the Prisoner Complaint. Therefore, the Court will dismiss claims eight, nine, and ten and Defendants CDOC Executive Director Tom Clements, Corrections Corporation of America, and Warden Miller as parties to this action. Mr. Miller's claims against the other Defendants will be drawn to a district judge and a magistrate judge as provided in D.C.COLO.LCivR 8.2D because the Court has completed its review pursuant to D.C.COLO.LCivR 8.2C. Accordingly, it is

ORDERED that claims eight, nine, and ten in the Prisoner Complaint are dismissed without prejudice pursuant to Plaintiff's notice of voluntary dismissal of those claims. It is

FURTHER ORDERED that Defendants CDOC Executive Director Tom Clements, Corrections Corporation of America, and Warden Miller are dismissed as parties to this action. It is

FURTHER ORDERED that this case shall be drawn to a district judge and to a magistrate judge.

DATED at Denver, Colorado, this 11th day of January, 2013.

BY THE COURT:

s/Lewis T. Babcock
LEWIS T. BABCOCK, Senior Judge
United States District Court