

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

Civil Action No. 12-cv-3317-REB-KLM

JAMES FAIRCLOTH,

Plaintiff,

v.

CORRECTIONAL OFFICER MARQUEZ, in his individual capacity, and
LT. TOM BENEZE, in his individual capacity,

Defendants.

FINAL JUDGMENT

In accordance with the orders filed during the pendency of this case, and pursuant to Fed. R. Civ. P. 58(a), the following Final Judgment is hereby entered.

Pursuant to the **Order Granting Motion for Summary Judgment** [#168] of Judge Robert E. Blackburn entered on January 26, 2016, it is

ORDERED that the remaining claims in this lawsuit are dismissed with prejudice; it is

ORDERED that judgment with prejudice enters as follows:

On behalf of defendant, John Marquez (identified in the caption as “Correctional Officer Marquez”), in his individual capacity, and against plaintiff, James Faircloth, as to plaintiff’s Eighth Amendment claim against defendant Marquez;

On behalf of defendant Tom Beneze (identified in the caption as “Lt. Tom Beneze”), in his individual capacity, and against plaintiff, James Faircloth, as to plaintiff’s Fourth Amendment claim against defendant Beneze; it is

ORDERED that judgment further enters in accordance with the orders contained in my prior **Order Re: Recommendation of the United States Magistrate Judge** ¶ 3 at 5-6 [#77], filed March 28, 2014; it is

ORDERED that all defendants, including those previously dropped as named parties to this action (**see Order Re: Recommendation of the United States Magistrate Judge**

¶ 4 at 6-7 [#77], filed March 28, 2014 are awarded their costs, to be taxed by the clerk of the court in the time and manner specified in Fed. R. Civ. P. 54(d)(1) and D.C.COLO.LCivR 54.1.

Dated at Denver, Colorado this 26th day of January, 2016.

FOR THE COURT:
JEFFREY P. COLWELL, CLERK

By: s/ K. Finney

K. Finney
Deputy Clerk