

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

Civil Action No. 13-cv-00077-KMT

NOSHIR GOWADIA,

Plaintiff,

v.

CULLY STEARNS (FDC-H),
BRADLEY GREILICK (FDC-H),
R.J. BALLASH (Western Reg. Off.),
JOSE A. SANTANA (Des. And Sent Comp.),
BLAKE R. DAVIS (former Warden ADX),
DAVID BERKEBILE (Warden, ADX), and
PAUL M. LAIRD (North Cent Reg Off.),

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 [Doc. No. 57, filed March 12, 2014] of Magistrate Judge Kathleen M. Tafoya, it is

ORDERED that Defendants Stearns, Greilick, Santana, Berkebile, and Laird's "Motion to Dismiss" (Doc. No. 43) and Defendant Ballash's "Joinder to the Motion to Dismiss" (Doc. No. 55) are GRANTED as follows:

1. The claims against Defendant Greilick, Laird, Santana, Stearns, and Ballash are dismissed without prejudice for lack of personal jurisdiction;
2. Plaintiff's *Bivens* claims for monetary damages against the individual

defendants in their official capacities are dismissed without prejudice for lack of subject-matter jurisdiction;

3. The claims against Defendants Davis and Berkebile are dismissed with prejudice for failure to state a claim upon which relief can be granted;
4. Defendants Davis and Berkebile are entitled to qualified immunity as to Plaintiff's claims against them;
5. This case is dismissed in its entirety; and
6. Judgment shall enter on behalf of the defendants and against Plaintiff.

Dated at Denver, Colorado this 12th day of March, 2014.

FOR THE COURT:
JEFFREY P. COLWELL, CLERK

s/Nicholas Richards

Nicholas Richards
Deputy Clerk