

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

Civil Action No. 13-cv-00779-PAB-KMT

JAMES C. PRIEST, III,

Plaintiff,

v.

OFFICER T. TOBIN #0705, and
OFFICER BRIAN HUSUM #07049,

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 entered as follows:

Pursuant to the Order [Docket No. 29] of U.S. District Judge Philip A. Brimmer entered on January 9, 2014, it is

ORDERED that the Recommendation of Magistrate Judge Kathleen M. Tafoya on defendant's Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6) [Docket No. 22] is **ACCEPTED**. It is further

ORDERED that defendants' Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6) [Docket No. 14] is **GRANTED**. It is further

ORDERED that plaintiff JAMES C. PRIEST, III shall recover nothing. This action is dismissed with prejudice and judgment shall enter in favor of defendants OFFICER T. TOBIN #0705 and OFFICER BRIAN HUSUM #07049 and against plaintiff JAMES C. PRIEST, III. It is further

ORDERED that this case shall be closed in its entirety. It is further

ORDERED that defendants OFFICER T. TOBIN #0705 and OFFICER BRIAN HUSUM #07049 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 14th day of January, 2014.

FOR THE COURT:
JEFFREY P. COLWELL, CLERK

s/Kathy Preuitt-Parks

Kathy Preuitt-Parks
Deputy Clerk