

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

Civil Action No. 13-cv-00831-REB-KLM

DELAREE ROSS, a/k/a Delise Ross,

Plaintiff,

v.

DAVID GALLEGOS, Aurora P.O.,

Defendant.

FINAL JUDGMENT

This **Final Judgment** is entered pursuant to Fed. R. Civ. P. 58(a) and in accordance with the **Order Adopting Recommendation of United States Magistrate Judge** [#27] entered by Judge Robert E. Blackburn on December 3, 2013, which order is incorporated herein by this reference.

THEREFORE, IT IS ORDERED as follows:

1. That **Recommendation of United States Magistrate Judge** [#25], filed November 14, 2013, is **APPROVED** and **ADOPTED** as an order of this court in relevant part as follows;

- a. That the recommendation is **APPROVED** and **ADOPTED** on the substantive grounds suggested for its recommendation that defendant's motion to dismiss be granted; and
- b. That the recommendation is, respectfully, **REJECTED** to the extent it recommends that plaintiff's claims be dismissed without prejudice, based

on plaintiff's more recent concession that she has sued the wrong defendant;

2. That **Defendant's Motion To Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6)** [#20], filed is August 21, 2013, is **GRANTED**;

3. That plaintiff's claims against defendant are **DISMISSED WITH PREJUDICE**;

4. That **JUDGMENT IS ENTERED** in favor of defendant, David Gallegos, Aurora P.O., against plaintiff, Delaree Ross, a/k/a Delise Ross, on all claims for relief and causes of action; and

5. That the defendant is **AWARDED** his 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 4th day of December, 2013.

FOR THE COURT:

Jeffrey P. Colwell, Clerk

By: s/Kathleen Finney
Kathleen Finney
Deputy Clerk