

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

Civil Action No. 13-cv-02333-CMA-KLM

ROBERT L. RYBERG, on behalf of Decendant Kevin C. Ryberg, and as
Personal Representative of the Estate of Kevin C. Ryberg,

Plaintiff,

v.

THE CITY AND COUNTY OF DENVER,
THE DENVER POLICE DEPARTMENT,
DENVER POLICE DEPARTMENT OFFICER TIMOTHY LUKE,
DENVER POLICE DEPARTMENT OFFICER RANDALL KROUSE, and
JOHN AND JANE DOES 1-10,

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 Adopting in Part and Rejecting in Part April 29, 2014 Recommendation of United States Magistrate Judge of Judge Christine M. Arguello entered on August 13, 2014 it is

ORDERED that the April 29, 2014 Amended Recommendation of United States Magistrate Judge Kristen L. Mix (Docket No. 22) REJECTED in part as to the Eighth Amendment claim and ADOPTED AND AFFIRMED in all other respects. It is further

ORDERED that the Motion to Dismiss Complaint Pursuant to Fed. R. Civ. P. 12(b)(6) and 12(b)(1) (Doc. # 15) is GRANTED. Specifically, it is

ORDERED that:

1. Defendants Luke and Krouse are entitled to qualified immunity on Plaintiff's Fourth Amendment Claims and those claims are DISMISSED WITHOUT PREJUDICE.
2. Plaintiff's Eighth Amendment claims are DISMISSED WITH PREJUDICE.
3. Defendants Luke and Krouse are entitled to qualified immunity on Plaintiff's Fifth and Fourteenth Amendment and those claims are DISMISSED WITHOUT PREJUDICE.
4. Plaintiff's claims against Defendants Luke and Krouse in their official capacity are DISMISSED WITHOUT PREJUDICE.
5. Plaintiff's claims against Defendant City and County of Denver are DISMISSED WITHOUT PREJUDICE.
6. Plaintiff's claims against Denver Police Department are DISMISSED WITH PREJUDICE.
7. Plaintiff's state law claims are DISMISSED WITH PREJUDICE.
8. Plaintiff's claims against John and Jane Does 1-10 are DISMISSED WITHOUT PREJUDICE.
9. This case is dismissed in its entirety.

It is further

ORDERED the Defendants shall have their costs by the filing of a Bill of Costs with the Clerk of this Court within fourteen (14) days of entry of judgment, and pursuant to the procedures set forth in Fed. R. Civ. P. 54(d)(1) and D.C.COLO.LCivR 54.1.

Dated at Denver, Colorado this 14th day of August, 2014.

FOR THE COURT:
JEFFREY P. COLWELL, CLERK

By: s/ A. Thomas

Deputy Clerk