

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

Civil Action No. 13-cv-02599-KLM

TORREY V. BANKS,

Plaintiff,

v.

CAPTAIN KATZENMEYER,  
STEPHANIE ENGLAR, FCF MENTAL HEALTH COUNSELOR,  
JERRI SCOLLARD, ACTING FCF MENTAL HEALTH SUPERVISOR,  
C. SOARES, ASSISTANT WARDEN AT CSP,  
CAPTAIN ARGUELLO, CSP MAIL ROOM SUPERVISOR,  
SGT. CROSLEY,  
C/O MALEBRANCHE, AND  
CAPTAIN QUATTLEBAUM,

Defendant.

---

**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 #[60] of Magistrate Judge Kristen L. Mix entered on March 4, 2015 it is

ORDERED that Plaintiff's official capacity claims against Defendants for monetary relief are **DISMISSED with prejudice** for lack of subject matter jurisdiction on the basis of Eleventh Amendment immunity. It is

FURTHER ORDERED that Plaintiff's claims for compensatory damages are **DISMISSED with prejudice** pursuant to 42 U.S.C. § 1997e(e). It is

FURTHER ORDERED that Plaintiff's individual capacity claims brought under the

First Amendment against Defendants Englar, Katzenmeyer, Crosley, and Malebranche and for denial of access to the courts; his Eighth Amendment claim relating to his conditions of confinement; his individual capacity Fourteenth Amendment claims against Defendants Quattlebaum and Englar; and his individual capacity privacy claim against Defendant Malebranche are **DISMISSED without prejudice** pursuant to Fed. R. Civ. P. 12(b)(6). It is

FURTHER ORDERED that Plaintiff's claims against Defendants Soares, Scollard, and Arguello; his claim relating to the correspondence course; and his Eighth Amendment denial of medication/treatment programming are **DISMISSED without prejudice** pursuant to Fed.R. Civ. P. 8. It is

FURTHER ORDERED that judgment shall enter in favor of Defendant Captain Katzenmeyer, Stephanie Englar, Jerri Scollard, C. Soares, Captain Arguello, Sgt. Crosley, C/O Malebranche and Captain Quattlebaum and against Plaintiff Torrey V. Banks.

Dated at Denver, Colorado this 4th day of March, 2015.

FOR THE COURT:  
JEFFREY P. COLWELL, CLERK

By: s/ L. Galera

---

L. Galera  
Deputy Clerk