

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

Civil Action No. 13-cv-03060-RPM

DOUGLAS RATHBUN,

Plaintiff,

v.

BERNARD MONTOYA, Detective, Denver Police Department, Metropolitan Auto Theft Task Force, sued in his individual capacity;  
JOHN M. LIETZ, Detective, Denver Police Department, Metropolitan Auto Theft Task Force, sued in his individual capacity;  
DAVID SCONCE, Sergeant, Denver Police Department, Metropolitan Auto Theft Task Force, sued in his individual capacity;  
JAMES SEWALD, Officer, Denver Police Department, sued in his individual capacity;  
ART PETERSON, Detective, Jefferson County Sheriff's Office, Metropolitan Auto Theft Task Force, sued in his individual capacity;  
W.D. HOOVER, Sergeant, Lakewood Police Department, Metropolitan Auto Theft Task Force, sued in his individual capacity;  
SEAN TEMPLETON, Detective, Lakewood Police Department, sued in his individual capacity;  
OFFICER OBECHINA, Detective, Lakewood Police Department, sued in his individual capacity;  
CHARLES HEMMING, Detective, Wheat Ridge Police Department, Metropolitan Auto Theft Task Force, sued in his individual capacity;  
DELFINO RODRIGUEZ, Inspector, Denver Neighborhood Inspection Services, sued in his individual capacity;  
OFFICER MUELLER, Metropolitan Auto Theft Task Force, sued in his individual capacity;  
OFFICER MORETTI, Metropolitan Auto Theft Task Force, sued in his individual capacity;  
JOHN DOES 1-4, Metropolitan Auto Theft Task Force, sued in their individual capacities;

Defendants.

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ORDER OF DISMISSAL

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By the Order and Judgment issued by the Tenth Circuit Court of Appeals on October 16, 2015, and the mandate issued, this Court's denial of defendants' motions to dismiss based on qualified immunity was reversed. In response to this Court's Order Directing Plaintiff's Response to Order and Judgment [Doc. 113], the plaintiff advises that no viable claims remain in this matter. It is therefore

ORDERED that this civil action is dismissed.

DATED: November 24<sup>th</sup>, 2015

BY THE COURT:

s/Richard P. Matsch

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Richard P. Matsch, Senior District Judge