

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

Civil Action No. 13-cv-03265-REB-KLM

MARCEL PREECE,

Plaintiff,

v.

SHERIFF JOHN COOKE,
UNDERSHERIFF JACK MCGRATH,
BUREAU CHIEF STERLING GEESAMAN,
COMMANDER MORGAN MAY, and
RICK DILL,

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 [Docket No. 41] of U.S. District Judge Robert E. Blackburn entered on November 17, 2014, it is

ORDERED that the Recommendation of United States Magistrate Judge [#40], filed October 22, 2014, is APPROVED AND ADOPTED IN PART as an order of this court, and respectfully, REJECTED IN PART, it is

ORDERED that defendants' Motion To Dismiss Plaintiff's Amended Complaint (ECF No. 10) [#30], filed May 6, 2014, is GRANTED . It is further

ORDERED that judgment without prejudice **SHALL ENTER** on behalf of defendants, Undersheriff Jack McGrath; Commander Morgan May; and Rick Dill, in their individual and official capacities; and against plaintiff, Marcel Preece, as to plaintiff's

claim under the Eighth (or alternatively, Fourteenth) Amendment for cruel and unusual punishment. On behalf of defendant, Rick Dill, in his individual and official capacity, and against plaintiff, Marcel Preece, as to plaintiff's claim under the Fourteenth Amendment for deprivation of procedural due process. It is further

ORDERED that judgment with prejudice **SHALL ENTER** on behalf of defendants, Sheriff John Cooke and Bureau Chief Sterling Geesaman, in their individual and official capacities, and against plaintiff, Marcel Preece, as to plaintiff's claim under the Eighth (or alternatively, Fourteenth) Amendment for cruel and unusual punishment and on behalf of defendants, Sheriff John Cooke; Undersheriff Jack McGrath; Bureau Chief Sterling Geesaman; and Commander Morgan May, in their individual and official capacities; and against plaintiff, Marcel Preece, as to plaintiff's claim under the Fourteenth Amendment for deprivation of procedural due process. It is

ORDERED that defendants 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. It is further

ORDERED that this case is CLOSED.

Dated at Denver, Colorado this 17th day of November, 2014.

FOR THE COURT:
JEFFREY P. COLWELL, CLERK

s/Jennifer Hawkins

Jennifer Hawkins
Deputy Clerk

