

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

Civil Action No. 14-cv-01062-NYW

TYRONE WALKER,

Plaintiff,

v.

ARISTEDES W. ZAVARAS, in his Official Capacity,
RICK RAEMISCH, in his Official Capacity,
KEVIN MILYARD, in his Individual and Official Capacity,
JAMES FALK, in his Official Capacity,
JOHN CHAPDELAIN #10277, in his Individual and Official Capacity,
JAMIE SOUCIE #12620, in her Official Capacity,
JULIE FULLER, #10068, in her Official Capacity,
MARSHALL GRIFFITH #14298, in his Official Capacity,
ASTRIA LOMBARD #14539, in her Official Capacity, and
JANE DOE, in her Individual and Official Capacity,

Defendants.

MINUTE ORDER

Entered By Magistrate Judge Nina Y. Wang

This matter is before the court on Defendants Hickenlooper and Ritter's Motion to Clarify Minute Order [DOC #67] ("Motion to Clarify"). [#70, filed February 4, 2016].

This court incorrectly identified Mr. Hickenlooper and Mr. Ritter as current parties to this litigation in its January 28, 2016 Minute Order ("Minute Order") setting the deadline by which Defendants should file an Answer to the Amended Complaint and Response to Plaintiff's Motion. *See* [#67]. Mr. Hickenlooper and Mr. Ritter were dismissed with prejudice by Magistrate Judge Boland's Order dated October 9, 2014 [#48], which dismissal was subsequently affirmed by the United States Tenth Circuit in *Walker v. Hickenlooper*, --- F. A'p'px ----, 2015 WL 5847486, at *6 (10th Cir. Oct. 8, 2015).

In addition, and not specifically addressed in the Minute Order, the CDOC Defendants were each sued in their official and personal capacity. *See* [#6]. The Tenth Circuit affirmed Judge Boland's dismissal of the CDOC Defendants in their personal capacity *except* as to Defendants Milyard, Chapdelaine, and Jane Doe. *Walker*, 2015 WL 5847486, at *7. The Tenth

Circuit specifically reserved discussion of, and remanded for further proceedings, the official-capacity claims for declaratory and injunctive relief. *See id.* at *1, 7. Accordingly,

IT IS ORDERED that the Motion to Clarify [#70] is **GRANTED**:

1. Mr. Hickenlooper and Mr. Ritter are no longer defendants in this matter and need not file an Answer to the Amended Complaint [#6] nor file a Response to Plaintiff's Motion [#66];
2. The instruction for the CDOC Defendants contained in the Minute Order [#67] remains set;
3. The Clerk of the Court is directed to amend the caption so as to reflect that Mr. Hickenlooper and Mr. Ritter have been terminated from this case;
4. The Clerk of the Court is further directed to amend the caption so as to reflect that the following Defendants are proceeding in their official capacity only: Zavaras, Raemisch, Falk, Soucie, Griffith, Fuller and Lombard; and
5. A Status Conference remains set for **March 2, 2016, at 9:30 a.m.** in Courtroom C-204, 2d Floor, Byron G. Rogers United States Courthouse, 1929 Stout Street, Denver, Colorado.

Plaintiff and his case manager shall contact the court at (303) 335-2600 on the above date and at the designated time in order to participate.

IT IS FURTHER ORDERED that a copy of this Minute Order is to be sent to the following:

CASE MANAGER FOR
TYRONE WALKER #97763
STERLING CORRECTIONAL FACILITY
PO BOX 6000
STERLING, CO 80751

DATED: February 5, 2016