

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

Civil Action No. 1:14-CV-01421-REB-MJW

FRANKLIN LEE FORTNEY, JR,

Plaintiff,

v.

DR. HOWARD,

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 ADOPTING RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE (Docket No. 18)** of Judge Robert E. Blackburn entered on November 13, 2014. It is

ORDERED the magistrate judge's **Report and Recommendation on Order to Show Cause (Docket No. 15) [#17]**, filed October 8, 2014, is **APPROVED AND ADOPTED** as an order of this court;

That plaintiff's claims against defendant, Dr. Howard, are **DISMISSED WITHOUT PREJUDICE** for failure to effect timely service of process as required by Fed. R. Civ. P. 4(m); and

That judgment without prejudice **SHALL ENTER** on behalf of defendant, Dr. Howard, against plaintiff, Franklin Lee Fortney, Jr, on all claims for relief and causes of

action asserted in this action. It is

FURTHER ORDERED that Defendant DR. HOWARD is **AWARDED** 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.

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

FOR THE COURT:
JEFFREY P. COLWELL, CLERK

By: s/ A. Lowe

A. Lowe
Deputy Clerk