

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior District Judge Richard P. Matsch

Civil Action No. 14-cv-01577-RPM

NANCY MARKS,

Plaintiff,

v.

COLORADO DEPARTMENT OF CORRECTIONS;
JEFFERSON COUNTY BOARD OF COMMISSIONERS;
INTERVENTION, INC.;
SUSAN KELLER, Community Parole Officer, Colorado Department of Correction,
in her individual and official capacities;
KRISTIN HEATH, Program Director, Intervention Community Corrections Services,
in her individual and official capacities; and
RICK RAEMISCH, Executive Director Colorado Department of Corrections,
in his individual and official capacities,

Defendants.

ORDER DISMISSING THIRD CLAIM FOR RELIEF

On August 11, 2014, defendant Intervention Community Correction Services (ICCS) filed a Rule 12(b)(6) motion to dismiss the Third Claim for Relief of the complaint alleging a violation of Title III of the American with Disabilities Act (ADA), 42 U.S.C. § 122181-12189. (Doc. 14). The motion has been fully briefed. Upon the finding and conclusion that ICCS does not operate a place of public accommodation and is not therefore subject to the ADA, the motion is granted. The plaintiff has filed a First Amended Complaint pursuant to this Court's order of January 7, 2015, making the same claim. It is now

ORDERED that the Third Claim for Relief in the Complaint and First Amended Complaint is dismissed.

DATED: January 8th, 2015

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior District Judge