

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 INDIVIDUAL CLAIMS AGAINST DEFENDANTS SUSAN
KELLER, KRISTIN HEATH AND RICK RAEMISCH

This civil action was initiated by a complaint filed on June 4, 2014. [Doc. 1]. An amended complaint was filed on January 7, 2015. In both of these pleadings, the plaintiff has asserted individual liability against defendants Kristin Heath, an employee of Intervention Community Corrections Services; Susan Keller, the Community Parole Officer, Colorado Department of Corrections, and Rick Raemisch, Executive Director, Colorado Department of Corrections. The individual liability is asserted in the claims of constitutional violations in the fourth and fifth claims for relief.

Defendants Keller and Raemisch were included in the CDOC defendants' motion to dismiss the complaint, filed September 15, 2014. [Doc. 19]. In that motion, qualified

immunity has been asserted, alleging the failure to identify clearly established law of which these defendants should have been aware. Defendant Heath has not specifically asserted that defense.

In the plaintiff's response to the CDOC defendants' motion to dismiss, the plaintiff has not identified any clearly established law of which these individual defendants should have been aware. Although Defendant Heath has not formally asserted qualified immunity, the claims could be dismissed against her on the same basis. It is now

ORDERED that the claims of individual liability of Defendants Susan Keller, Kristin Heath and Rick Raemisch in the fourth and fifth claims for relief in the complaint and first amended complaint are dismissed based on qualified immunity.

DATED: January 8th , 2015

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior District Judge