

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martínez**

Civil Action No. 15-cv-00644-WJM-NYW

DARRELL FORTNER,

Plaintiff,

v.

COUNTY OF EL PASO, COLORADO,
STATE OF COLORADO, STATE OF COLORADO,
BLACK FOREST FIRE/RESCUE PROTECTION DISTRICT,
TERRY MAKETA, Individual and Official capacity,
SCOTT CAMPBELL, Individual and Official capacity,
BOB HARVEY, Individual and Official capacity,
JAMES REBITSKI, Individual and Official capacity,
EDWAN BRACKEN, Individual and Official capacity,
RICK MCMORRAN, Individual and Official capacity,
DIANA MAY, Individual and Official capacity,
PRESTON COOPER, Individual and Official capacity,
DARREL GLENN, Individual and Official capacity,
AMY FOLSOM, Individual and Official capacity,
ANDREW GORGEY, Individual and Official capacity,
JON MUELLER, Individual and Official capacity,
MICHAEL SHELBURNE, Individual and Official capacity,
JOHN HICKENLOOPER, Individual and Official capacity,
DOES 1-100,
EL PASO COUNTY BOARD OF COMMISSIONERS
DENNIS HASLEY, Individual and Official capacity,
PEGGY LITTLETON, Individual and Official capacity,
SALLIE CLARK, Individual and Official capacity, and
AMY LATHEN, Individual and Official capacity,

Defendants.

FINAL JUDGMENT

PURSUANT TO and in accordance with Fed. R. Civ. P. 58(a), all Orders entered during the pendency of this case and the Order Adopting Recommendations of

Magistrate Judge Granting Defendants' Motions to Dismiss and Dismissing Plaintiff's Claims, entered by the Honorable William J. Martínez, United States District Judge, on March 2, 2016,

IT IS ORDERED that

1. The First Recommendation (ECF No. 52) is ADOPTED;
2. The Second Recommendation (ECF No. 57) is ADOPTED;
3. The County Defendants' Motion to Dismiss (ECF No. 31) is GRANTED;
4. The BFPD Defendants' Motion to Dismiss (ECF No. 32) is GRANTED;
5. The State Defendants' Motion to Dismiss (ECF No. 34) is GRANTED;
6. Plaintiff's damages claims against State Defendants in their official capacities are DISMISSED WITH PREJUDICE;
7. Plaintiff's remaining claims are DISMISSED WITHOUT PREJUDICE and this case is DISMISSED;
8. Plaintiff's claims as to Does 1–100 are DISMISSED WITHOUT PREJUDICE; and
9. Plaintiff's claims as to Defendant James Rebitski are DISMISSED WITHOUT PREJUDICE for failure to effect proper service within 120 days as required by Fed. R. Civ. P. 4(m).

Dated at Denver, Colorado this 2nd day of March, 2016.

BY THE COURT:

JEFFREY P. COLWELL, CLERK

By: s/Deborah Hansen
Deborah Hansen, Deputy Clerk