

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Robert E. Blackburn**

Civil Action No. 15-cv-00770-REB-KMT

RODNEY SMITH, an individual,

Plaintiff,

v.

BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM,

Defendant.

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**ORDER DISMISSING CLAIM**

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**Blackburn, J.**

This matter is before me on the following: (1) the **Notice of Withdrawal of Motion To Dismiss** [#32]<sup>1</sup> filed February 12, 2016; and (2) the **Stipulation of Dismissal of Plaintiff's Second Claim for Relief** [#33] filed February 11, 2016. After careful review of the notice, the stipulation, and the record, I conclude that the motion to dismiss [#13] should be deemed withdrawn without prejudice. In addition, the stipulation should be approved, and the plaintiff's second claim for relief, negligent infliction of emotional distress, should be dismissed with prejudice.

**THEREFORE, IT IS ORDERED** as follows:

1. That the **Defendant's Motion to Dismiss Pursuant to F.R.C.P. 12(b)(1)**

[#13] is deemed withdrawn without prejudice;

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<sup>1</sup> “[#32]” is an example of the convention I use to identify the docket number assigned to a specific paper by the court's case management and electronic case filing system (CM/ECF). I use this convention throughout this order.

2. That the **Stipulation of Dismissal of Plaintiff's Second Claim for Relief** is approved; and

3. That the plaintiff's second claim for relief<sup>2</sup>, negligent infliction of emotional distress, is dismissed with prejudice.

Dated February 16, 2016, in Denver, Colorado.

**BY THE COURT:**



Robert E. Blackburn  
United States District Judge

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<sup>2</sup> Titled "Third Claim for Relief" in the **Complaint** [#1] filed April 13, 2015.