

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

Civil Action No. 15-cv-01582-RPM

ALEXIS ACKER,

Plaintiff,

v.

THE CITY OF COLORADO SPRINGS and
TYLER WALKER, Colorado Springs Police Department, individually,

Defendants.

ORDER GRANTING MOTION TO DISMISS

In response to defendant Tyler Walker's motion for partial judgment on the pleadings [Doc. 9] and the defendants' City of Colorado Springs and Peter Carey, Chief of Police motion to dismiss [Doc. 7], the plaintiff filed an amended complaint [Doc. 11-1]. That pleading eliminates the third and fourth claims of the complaint against Tyler Walker which makes his motion moot. The allegations of the amended complaint are not sufficient to state a claim for relief against the City and the Chief of Police.

Accordingly, it is

ORDERED that the motion for partial judgment on the pleadings by Tyler Walker is moot and it is

FURTHER ORDERED that the amended complaint against the City of Colorado springs does not satisfy the motion to dismiss and it is therefore granted and the amended complaint is dismissed without prejudice as to the defendant City of Colorado Springs pursuant to Fed.R.Civ.P. 12(b)(6).

DATED: November 12th, 2015

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior Judge