

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ALFONSO HERNANDEZ,

Plaintiff,

vs.

Civ. No. 14-964 KG/SCY

CITY OF ALBUQUERQUE, et al.,

Defendants.

ORDER OF PARTIAL DISMISSAL OF ALL CLAIMS AGAINST
DEFENDANT CITY OF ALBUQUERQUE

This matter is before the Court on Defendants City of Albuquerque, Galvan and Markwick's Motion for Summary Judgment, filed on October 21, 2015. (Doc. 73).


IT IS ORDERED that

1. Defendants City of Albuquerque, Galvan and Markwick's Motion for Summary Judgment (Doc. 73) is moot and, therefore, denied as to Counts II, VI and IX. These claims, as well as Defendants Galvan and Markwick, have been dismissed in their entirety;
2. The Motion for Summary Judgment is granted in favor of the City as to Counts I, III, IV, V and X;
3. Count I: Negligent Hiring, Training, Supervision Resulting in Violations of the New Mexico Tort Claims Act is dismissed in its entirety with prejudice;
4. Count III: Assault under the New Mexico Tort Claims Act is dismissed as to Defendant City of Albuquerque with prejudice;
5. Count IV: Battery under the New Mexico Tort Claims Act is dismissed as to Defendant City of Albuquerque with prejudice;
6. Count V: False Arrest and/or False Imprisonment under the New Mexico Tort

Claims Act is dismissed as to Defendant City of Albuquerque with prejudice;

7. Count X: *Monell* Claim under 42 U.S.C. Section 1983 Resulting in the Deprivation of Civil Rights is dismissed in its entirety with prejudice; and

8. Defendant City of Albuquerque is dismissed entirely from this matter and its name will be stricken from the caption of this case.



UNITED STATES DISTRICT JUDGE