

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

ERIK KHAN,

Plaintiff,

v.

No. 15-cv-1151 MV/SMV

**CHRIS BARELA, BOARD OF COUNTY
COMMISSIONERS OF DOÑA ANA COUNTY,
ARAMARK CORPORATION,
BILL STICKLES, and DAVID BEAM,**

Defendants.¹

**ORDER ADOPTING MAGISTRATE JUDGE'S
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION AND
DENYING DEFENDANT ARAMARK'S MOTION TO DISMISS**

THIS MATTER is before the Court on the Magistrate Judge's Proposed Findings and Recommended Disposition ("PF&RD") [Doc. 136], filed on January 12, 2021. On reference by the undersigned, [Doc. 13], the Honorable Stephan M. Vidmar, United States Magistrate Judge, recommended that Defendant Aramark's Motion to Dismiss [Doc. 123] be denied, and notified the parties of their right to object within 14 days of the recommendation. No party has objected to the PF&RD, and the 14-day objection deadline has passed.


IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Magistrate Judge's Proposed Findings and Recommended Disposition [Doc. 136] are **ADOPTED**.

¹ This caption reflects the Defendants listed in the Third Amended Complaint, except that Plaintiff substituted Defendant David Beam for the John Doe Defendant on June 24, 2020. [Docs. 100, 109]. Moreover, Defendants Bill Stickles and David Beam were dismissed as parties on November 6, 2020. [Doc. 133]. Finally, in its Motion to Dismiss, Defendant Aramark states that its proper name is "Aramark Correctional Services, LLC." [Doc. 123].

IT IS FURTHER ORDERED that Defendant Aramark's Motion to Dismiss [Doc. 123] is **DENIED**.

IT IS FURTHER ORDERED that Defendant Aramark file a responsive pleading within 14 days of the issuance of this Order. *See* Fed. R. Civ. P. 12(a)(4)(A).

IT IS SO ORDERED.



MARTHA VAZQUEZ
United States District Judge