

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADOFILED  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

Civil Action No. 07-cv-00418-MSK-PAC

MAR 20 2007

BRIAN ANDERSON,

GRACE DAY C. LANGHAM  
CLERK

Plaintiff,

v.

S.C.F SUPERINTENDANT [sic] CORRECTIONAL INDUSTRIES MIKE CUNNINGHAM,  
Defendants.

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**ORDER GRANTING SERVICE BY UNITED STATES MARSHAL**

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THIS CAUSE came before the Court on the affidavit in support of the motion for leave to proceed without prepayment of fees or security pursuant to 28 U.S.C. § 1915. The Court has granted the plaintiff leave to proceed *in forma pauperis*. It now is

ORDERED that, if appropriate, the Clerk shall attempt to obtain a waiver of service from the defendant. If unable to do so, the United States Marshal shall serve a copy of the complaint, summons, order granting leave to proceed pursuant to 28 U.S.C. § 1915, and all other orders upon the defendant. If appropriate, the Marshal shall first attempt to obtain a waiver of service of these documents pursuant to Fed. R. Civ. P. 4(d). All costs of service shall be advanced by the United States. It is

FURTHER ORDERED that the defendant or counsel for the defendant shall respond to the complaint as provided for in the Federal Rules of Civil Procedure after service of process on the defendant.

Dated this 19<sup>th</sup> day of March, 2007

BY THE COURT:



Marcia S. Krieger

Marcia S. Krieger  
United States District Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

**CERTIFICATE OF MAILING**

Civil Action No. 07-cv-00418-MSK-PAC

Brian Anderson  
Prisoner No. 64193  
Sterling Correctional Facility  
PO Box 6000  
Sterling, CO 80751

Mike Cunningham - WAIVER\*  
c/o Cathie Holst  
Colorado Department of Corrections  
Office of Legal Affairs  
**DELIVERED ELECTRONICALLY**

John Suthers, Attorney General  
Office of the Attorney General  
**DELIVERED ELECTRONICALLY**  
**COURTESY COPY**

I hereby certify that I have mailed a copy of the ORDER to the above-named individuals, and the following forms to Cathie Holst for service of process on Mike Cunningham and to John Suthers: COMPLAINT FILED 3/1/07, SUMMONS, WAIVER\*, AND NOTICE OF AVAILABILITY OF MAGISTRATE JUDGE on 3/20/07.

GREGORY C. LANGHAM, CLERK

By:   
Deputy Clerk