

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Boyd N. Boland

Civil Action No. 07-cv-01808-WYD-BNB

C. ELI-JAH HAKEEM MUHAMMAD, a/k/a CHRISTOPHER MITCHELL,

Plaintiff,

v.

USA, et al.,
H.G. LAPPIN, BOP Director, and
A. OSAGIE, ADX, Physician Assistant,

Defendants.

ORDER

The parties appeared this morning for a status conference. As the result of an Order [Doc. # 31] entered on April 8, 2008, six claims remain pending against two defendants, as follows:

- Claims Nine and Ten against defendant Lappin (alleging a violation of the First Amendment because the plaintiff is required to participate in PPD/TB tests in violation of his religious beliefs)
- Claims Eighteen and Nineteen against defendant Osagie (alleging a violation of the Eighth Amendment because the plaintiff was denied use of a CPAP breathing device which is required to treat the plaintiff's sleep apnea)
- Claim Twenty-Three against defendant Lappin (alleging a violation of the First Amendment based on a refusal to recognize his "legally" changed Muslim name without a federal court order)
- Claim Twenty-Four against defendant Lappin (alleging that the temperature in the plaintiff's cell is set extremely high, causing serious medical problems)

The United States Marshal was directed to effect service by an Order [Doc. # 35] entered on April 18, 2008. Defendant Osagie has waived service of process. See Waiver of Service of Summons and Complaint [Doc. # 43, filed 5/7/2008]. There is no indication in the file as to the status of service against defendant Lappin. In summary and consistent with matters discussed at the status conference this morning:

IT IS ORDERED that defendant Osagie shall respond to the Amended Complaint [Doc. # 24] on or before **February 9, 2009**.

IT IS FURTHER ORDERED that the United States Attorney shall report on the status and necessity of further service against defendant Lappin on or before **January 19, 2009**.

IT IS FURTHER ORDERED that the Clerk of the Court shall send to the plaintiff with this Order a copy of the Waiver of Service of Summons and Complaint [Doc. # 43].

Dated January 8, 2009.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge