

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 07-cv-02319-WYD-BNB

ALLEN BERGERUD,

Plaintiff,

v.

JOSEPH FORTUNATO, D.O.,  
KATHY RITTENHOUSE, N.P., and  
BRIAN WEBSTER, P.A.,

Defendants.

FILED  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

FEB - 7 2008

GREGORY C. LANGHAM  
CLERK

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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 defendants. 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 defendants. 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 defendants or counsel for the defendants shall respond to the complaint as provided for in the Federal Rules of Civil Procedure after

service of process on the defendants.

Dated: February 7, 2008

BY THE COURT:

s/ Wiley Y. Daniel

Wiley Y. Daniel

U. S. District Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

**CERTIFICATE OF MAILING**

Civil Action No. 07-cv-02319-WYD-BNB

Allen Bergerud  
Prisoner No. 128941  
Sterling Correctional Facility  
PO Box 6000  
Sterling, CO 80751

Joseph Fortunato, and Brian Webster - **WAIVER \***  
c/o Cathie Holst  
Colorado Department of Corrections  
Office of Legal Affairs

**DELIVERED ELECTRONICALLY**

US Marshal Service  
Service Clerk  
Service forms for: N.P. Kathryn Rittenhouse

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 Joseph Fortunato, and Brian Webster; to the United States Marshal Service for service of process on NP Kathryn Rittenhouse; and to John Suthers: COMPLAINT FILED 11/05/07, SUMMONS, WAIVER\*, AND NOTICE OF AVAILABILITY OF MAGISTRATE JUDGE on

2/7/08.

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk