

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

Civil Action No. 08-cv-01987-MSK-KLM

APR 10 2009

OLOYEA D. WALLIN,

GREGORY C. LANGHAM
CLERK

Plaintiff,

v.

SHANAMAN,
JONES,
MINJAREZ,
EWING,
COSNER,
ARISTEDES ZAVARAS, Executive Director of CDOC,
CROWLEY COUNTY FACILITY,
NELSON,
HOLST,
BROWN,
BELL,
ALLEN,
JANE DOE OF CDOC Medical, and
JOHN AND JANE DOE,

Defendants.

ORDER GRANTING SERVICE BY UNITED STATES MARSHAL

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court *sua sponte*. Since the filing of the initial complaint, Plaintiff has been given leave to file an amended complaint [Docket No. 69] which names new parties as Defendants.

IT IS HEREBY **ORDERED** that, if appropriate, the Clerk shall attempt to obtain waivers of service from Defendants Nelson, Holst, Brown, Bell, and Allen who were added

as Defendants by the Amended Prisoner Complaint [Docket No. 69].¹ If the Clerk is unable to obtain waivers of service from these Defendants, the United States Marshal shall personally serve a copy of the Amended Prisoner Complaint, Summons, and case docket sheet on these 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 Defendants Nelson, Holst, Brown, Bell, and Allen or their counsel shall respond to the Amended Prisoner Complaint within **ten (10) days** from the date of personal service or waiver of service.

IT IS FURTHER **ORDERED** that the other named Defendants shall answer or respond to the Amended Prisoner Complaint within **ten (10) days** of the date of this Order.

Dated: April 10, 2009

s/ Kristen L. Mix
U.S. Magistrate Judge
Kristen L. Mix

¹ This case was removed from state court where Plaintiff had been given leave to proceed *in forma pauperis* [Docket No. 1-4]. Although Plaintiff has not sought and received similar status in this Court, I exercise my discretion to have the United States Marshal serve the Summons and Amended Prisoner Complaint on the newly-added Defendants. The other named Defendants have already entered their appearance in this case.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. 08-cv-01987-MSK-KLM

Oloyea D. Wallin
Prisoner No. 111389
CTCF
PO Box 1010
Cañon City, CO 81215- 1010

Nelson, Holst, Brown,
Bell, and Allen – **WAIVER***
c/o Cathie Holst
Colorado Department of Corrections
Office of Legal Affairs
DELIVERED ELECTRONICALLY

Nicole S. Gellar
Assistant Attorney General
Office of the Attorney General
DELIVERED ELECTRONICALLY

Jennifer L. Veiga
Attorney at Law
Hall & Evans
DELIVERED ELECTRONICALLY

Paul Sanzo, Asst. 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 Nelson, Holst, Brown, Bell, and Allen: AMENDED COMPLAINT FILED 4/08/09, SUMMONS, WAIVER*, AND NOTICE OF AVAILABILITY OF MAGISTRATE JUDGE on 4/10/09.

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk