

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

**FILED**  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

JAN 9 2009

GREGORY C. LANGHAM  
CLERK

Civil Action No. 08-cv-02249-LTB-MEH

ROY D. SPENCER,

Plaintiff,

v.

U.S. POSTAL SERVICE and,  
JOHN E. POTTER, Postmaster General,

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* [docket #5]. 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 this 16th day of January, 2009, in Denver, Colorado.

BY THE COURT:

s/Michael E. Hegarty  
Michael E. Hegarty  
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

**CERTIFICATE OF MAILING**

Civil Action No. 08-cv-02249-LTB-MEH

Roy D. Spencer  
9650 E. Geddes Ave, #111  
Englewood, CO 80112

John E. Potter - **CERTIFIED**  
Postmaster General  
475 L' Enfant Plaza, S.W.  
Washington, D.C. 20260

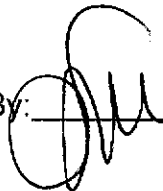
Main Post Office - Colorado Springs - **CERTIFIED**  
201 E. Pikes Peak Ave  
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United States Attorney General - **CERTIFIED**  
Room 5111, Main Justice Bldg.  
10<sup>th</sup> and Constitution, N.W.  
Washington, D.C. 20530

United States Attorney  
District of Colorado  
**DELIVERED ELECTRONICALLY**

I hereby certify that I have mailed a copy of the ORDER to the above-named individuals, and the following forms to John E. Potter and U.S. Postal Service, The United States Attorney General; and to the United States Attorney's Office, Amended Title VII FILED 10/28/02008, Supplement/Amendment FILED 11/13/2008 SUMMONS, AND NOTICE OF AVAILABILITY OF A U.S. MAGISTRATE JUDGE CONSENT FORM on 1/21/09.

GREGORY C. LANGHAM, CLERK

By:  \_\_\_\_\_  
Deputy Clerk