

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn

Civil Action No. 09-cv-00223-REB-MJW

RUSSELL M. BOLES,

Plaintiff,

v.

DEVIN NEWTH,
CHRISTIANS,
M. PECK,
ABNEY,
J. LONG,
C.L. HUMPHREY, and
KEVIN MILYARD,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

APR 21 2009
GREGORY C. LANGHAM
CLERK

ORDER REQUIRING SERVICE BY UNITED STATES MARSHAL

Blackburn, J.

This matter is 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*.

THEREFORE, IT IS ORDERED as follows:

1. That if appropriate, the Clerk shall attempt to obtain a waiver of service from each of the defendants;
2. That if the Clerk is unable to do so, then 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 on each of the defendants; provided, furthermore, that if appropriate, the Marshal shall first attempt to obtain a waiver of service of these

documents pursuant to Fed. R. Civ. P. 4(d);

3. That all costs of service shall be advanced by the United States; and

4. That after service of process, any defendant or counsel for any defendant having been served shall respond to the complaint as provided in the Federal Rules of Civil Procedure.

Dated April 21, 2009, at Denver, Colorado.

BY THE COURT:


Robert E. Blackburn
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. 09-cv-00223-REB-MJW

Russell M. Boles
Prisoner No. 90379
Sterling Correctional Facility
PO Box 6000 – Unit 4
Sterling, CO 80751

Devin Newth, Christians, M. Peck, Abney,
J. Long, C.L. Humphrey, and Kevin Milyard – **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

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 Devin Newth, Christians, M. Peck, Abney, J. Long, C.L. Humphrey, and Kevin Milyard: AMENDED COMPLAINT FILED 3/24/09, ORDER FILED 4/17/09, SUMMONS, WAIVER*, AND NOTICE OF AVAILABILITY OF MAGISTRATE JUDGE on 4/21/09.

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk