

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00275-BNB

MARY L. MONTALVO,

Plaintiff,

v.

UNITED STATES,

Defendant.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

FEB 24 2009

GREGORY C. LANGHAM
CLERK

ORDER DRAWING CASE

Upon completion of the Court's review pursuant to D.C.COLO.LCivR 8.2C, the Court has determined that this case does not appear to be appropriate for summary dismissal. Therefore, the case will be drawn to a district judge and to a magistrate judge. **See** D.C.COLO.LCivR 8.2D.

The Court further has determined that, because Plaintiff filed the Complaint pursuant to 28 U.S.C. §§ 2671-2680, the only properly named defendant is the United States under § 2679(b)(1). Therefore, Defendant U.S. Department of Health and Human Services will be substituted with the United States. Accordingly, it is

ORDERED that this case shall be drawn to a district judge and to a magistrate judge. It is

FURTHER ORDERED that the United States shall be substituted as the defendant in the place of Defendant U.S. Department of Health and Human Services.

DATED February 24, 2009, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. 09-cv-00275-BNB

Mary L. Montalvo
3765 Oro Blanco Drive Apt. 411
Colorado Springs, CO 80917

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 2/24/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk