

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00278-CMA-MEH

LUKE PREACHER,  
MIKEAL GLENN STINE,  
GEORGE SCALF,  
DAMANI M. NANTAMBU,  
DAVID BAXTER, and  
ROBERT UTLEY,

Plaintiffs,

v.

RON WILEY, Warden ADX-Florence,  
B. A. BLEDSOE, Warden USP Marion,  
J. FOX, Associate Warden ADX-Florence,  
MARK COLLINS, Unit Manager ADX-Florence,  
GEORGE KNOX, Conselor ADX-Florence,  
J. MANLEY, Lieutenant ADX-Florence,  
TINA SUDLOW, Case Manager ADX-Florence,  
CORR. OFFICER MANSPEAKER, ADX-Florence,  
CORRECTIONAL OFFICER BREAM, ADX-Florence,  
J. D. WALTERS, Lieutenant ADX-Florence,  
CORR. OFFICER BARBARA BATULIS, ADX-Florence,  
LIEUTENANT C. RIVERS,  
CAPTAIN KRIST, and  
JOHN DOE, Unknown Person,

Defendants.

**FILED**  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO  
  
JUN 30 2009  
GREGORY C. LANGHAM  
CLERK

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**SECOND ORDER GRANTING SERVICE BY UNITED STATES MARSHAL**

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Plaintiff Stine's Motion to Resolve Service Issues on Defendants [filed June 25, 2009;  
docket #116] is liberally construed as a motion for order granting service by the U.S. Marshal of  
the Second Amended Complaint [docket #34]<sup>1</sup> and is **granted**. It now is

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<sup>1</sup>The Court reminds the parties that, as this action is not brought pursuant to 28 U.S.C. § 1915, the Court is not obligated to provide service of process.

ORDERED that, if appropriate, the Clerk shall attempt to obtain a waiver of service from the named Defendants who were not served upon the original order granting service [docket #15]. The Court notes that the only additional Defendants named in the Second Amended Complaint, filed April 21, 2009 (and that were not listed in the First Amended Complaint, filed March 12, 2009) are Lieutenant C. Rivers and Captain Krist. *See* dockets #6 and #34. If unable to do so, the United States Marshal shall serve a copy of the Second Amended Complaint, summons and all other orders upon the above-named 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 Second Amended Complaint as provided for in the Federal Rules of Civil Procedure after service of process on the Defendants.

Dated this 29th day of June, 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. 09-cv-00278-CMA-MEH

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J. Benedict Garcia  
Assistant United State Attorney  
United States Attorney's Office  
**DELIVERED ELECTRONICALLY**

United States Attorney General - **CERTIFIED**  
Room 5111, Main Justice Bldg.  
10<sup>th</sup> and Constitution, N.W.  
Washington, D.C. 20530

Lt. C. Rivers and Captain Krist - **WAIVER\***  
c/o Christopher B. Synsvoll  
Attorney Advisor  
**DELIVERED ELECTRONICALLY**

I hereby certify that I have mailed a copy of the ORDER to the above-named individuals, and the following forms to Chris Synsvoll for service of process on Lt. C. Rivers and Captain Krist; to United States Attorney General; and to the United States Attorney's Office: SECOND AMENDED COMPLAINT FILED 4/24/09, SUMMONS, WAIVER\*, AND NOTICE OF AVAILABILITY OF MAGISTRATE JUDGE on 6/30/09.

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk