

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00295-WYD-MJW

GLENN H. KEMP,

Plaintiff,

v.

ARISTEDES ZAVARAS, et al.,

Defendants.

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MINUTE ORDER

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Entered by Magistrate Judge Michael J. Watanabe

It is hereby **ORDERED** that the pro se plaintiff's Motion for Service by United States Marshal (Docket No. 27) is **denied without prejudice**. Plaintiff asks the court to direct service upon defendant Webster at an address plaintiff states was provided by the defense attorney in another inmate case, Civil Action No. 09-cv-00354-CMA-BNB. Significantly, however, the document which purportedly contains this last known address of defendant Webster is sealed in the other civil action and thus is not accessible to the court and the parties in this case. Furthermore, while plaintiff alleges bad faith on the part of defense counsel here, defense counsel has represented to the court that he was not the attorney of record in the other inmate case cited by plaintiff, had never heard of that case before now, does not have Mr. Webster's address other than what was listed on the Waiver of Service executed by the Colorado Department of Corrections (Docket No. 16), and has not had any communication with Mr. Webster. (See Docket No. 29).

Date: November 5, 2009

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