

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00537-WYD-KLM

JACOB IND,

Plaintiff,

v.

COLORADO DEPARTMENT OF CORRECTIONS;
SUSAN JONES;
MARY NELL MCCORMICK;
MCCAIN HILDEBRAND;
RENE OLIVETT,
JAMES W. BROWN, and
ANTHONY DECESARO,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

SEP 28 2009

GREGORY C. LANGHAM
CLERK

ORDER GRANTING SERVICE BY UNITED STATES MARSHAL

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

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. Magistrate Judge Boyd N. Boland granted Plaintiff leave to proceed *in forma pauperis* [Docket No. 2]. Since the filing of the initial complaint, Plaintiff has been given leave to file a Final Amended Complaint [Docket No. 44] which names a new party as a Defendant.

IT IS HEREBY **ORDERED** that, if appropriate, the Clerk shall attempt to obtain a waiver of service from Defendant DeCesaro, who was added as a Defendant by the Final Amended Complaint [Docket No. 44].¹ If the Clerk is unable to obtain waivers of service from Defendant DeCesaro, the United States Marshal shall serve a copy of the Final Amended Complaint, Summons, and Order granting leave to amend personally on Defendant. 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 Defendant DeCesaro or his counsel shall respond to the Final Amended Complaint [Docket No. 44] within **ten (10) days** from the date of

¹ An Order Granting Service [Docket No. 10] was previously issued, and waivers of service were executed for previously-named Defendants [Docket No. 11].

personal service or waiver of service pursuant to Fed. R. Civ. P. 15(a)(3).

Dated: September 28, 2009

BY THE COURT:

s/ Kristen L. Mix
United States Magistrate Judge
Kristen L. Mix

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. 09-cv-00537-WYD-KLM

Jacob Ind
Prisoner No. 84247
Colorado State Penitentiary
PO Box 777
Cañon City, CO 81215- 0777

Anthony DeCesaro – **WAIVER***
c/o Cathie Holst
Colorado Department of Corrections
Office of Legal Affairs
DELIVERED ELECTRONICALLY

James Xavier Quinn
Assistant Attorney General
Office of the Attorney General
DELIVERED ELECTRONICALLY

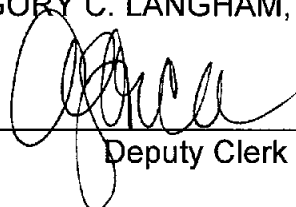
John Suthers, Attorney General
Office of the Attorney General
DELIVERED ELECTRONICALLY
COURTESY COPY

Paul Sanzo
Assistant Attorney General
Office of the Attorney General
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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 Anthony DeCesaro: FINAL AMENDED COMPLAINT FILED 9/28/09, SUMMONS, WAIVER*, AND NOTICE OF AVAILABILITY OF MAGISTRATE JUDGE on 9/28/09.

GREGORY C. LANGHAM, CLERK

By: _____



Deputy Clerk