

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Christine M. Arguello

Civil Action No. 09-cv-00949-CMA-MJW

JOSHUA CRUZ,

Plaintiff,

v.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JUL 21 2009

GREGORY C. LANGHAM
CLERK

SGT. EMIG, in his personal and individual capacity,
SGT. ADAMIC, in his personal and individual capacity,
C/O CORTESE, in his personal and individual capacity,
LT. G. HEIDENTHAL, in his personal and individual capacity,
LT. H. WILLIAMS, in his personal and individual capacity,
CAPT. DOUG WILSON, in his personal and individual capacity,
ANTHONY A. DeCESARO, Step 3 Grievance Officer, in his personal and individual
capacity,

Defendants.

ORDER GRANTING SERVICE BY UNITED STATES MARSHAL

This cause came 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.

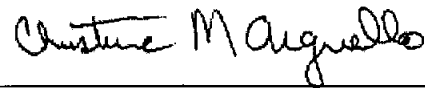
The Court has granted the Plaintiff leave to proceed *in forma pauperis*. It now is

ORDERED that, if appropriate, the Clerk shall attempt to obtain a waiver of service from the defendants. If unable to do so, 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 upon the 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 complaint as provided for in the Federal Rules of Civil Procedure after service of process on the Defendants.

DATED: June 20th, 2009

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. 09-cv-00949-CMA-MJW

Joshua Cruz
Prisoner No. 97989
CTCF
PO Box 1010
Cañon City, CO 81215- 1010

Sgt. Emig, Sgt. Adamic, C/O Cortese,
Lt. G. Heidenthal, Lt. H. Williams,
Capt. Doug Wilson, and Anthony DeCesaro— **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 Sgt. Emig, Sgt. Adamic, C/O Cortese, Lt. G. Heidenthal, Lt. H. Williams, Capt. Doug Wilson, and Anthony DeCesaro: AMENDED COMPLAINT FILED 06/05/09, SUMMONS, WAIVER*, AND NOTICE OF AVAILABILITY OF MAGISTRATE JUDGE on 7/2/09.

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk