

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00983-ZLW

WELLMAN E. GIBSON,

Plaintiff,

v.

ANNA MARIE CAMPBELL,
C. HOLST, AIC,
SHIRLEY STEINBECK,
MARSHALL GRIFFITH,
LT. STEINBECK, and
DOCTOR ASSEN,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

NOV 20 2009

GREGORY C. LANGHAM
CLERK

ORDER REINSTATING AND ASSIGNING CASE

On October 27, 2009, the Clerk of the Court for the United States Court of Appeals for the Tenth Circuit (Tenth Circuit) issued a Mandate in this action. In accordance with the October 5, 2009, Order entered by the Tenth Circuit, the action will be reinstated. The case also will be assigned to Chief Judge Wiley Y. Daniel, pursuant to D.C.COLO.LCivR 40.1, and to Magistrate Judge Kristen L. Mix for a further review of the merits.

Plaintiff also has filed a "Motion Requesting Judge Weinshienk be Precluded From This Case and a New Judge be Appointed." Because the action will be reinstated and assigned to a district judge and to a magistrate judge the Motion for preclusion will be denied as moot.

Furthermore, the Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 will be denied as unnecessary. Plaintiff was granted leave to proceed

pursuant to § 1915 on May 12, 2009. Plaintiff, however, is reminded that he must continue to comply with the May 12, 2009, Order by making monthly payments to the Court of twenty percent of the preceding month's income or by showing cause why he has no assets and no means by which to make each monthly payment.

Accordingly, it is

ORDERED that the instant action is reinstated pursuant to the October 5, 2009, Order issued by the United States Court of Appeals for the Tenth Circuit in this case. It is


FURTHER ORDERED that this action shall be assigned to Chief Judge Wiley Y. Daniel, pursuant to D.C.COLO.LCivR 40.1, and to Magistrate Judge Kristen L. Mix. It is

FURTHER ORDERED that the Motion Requesting Judge Weinshienk be Precluded From This Case and a New Judge be Appointed (Doc. No. 38) is denied as moot. It is

FURTHER ORDERED that the Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (Doc. No. 39) is denied as unnecessary.

DATED at Denver, Colorado, this 19 day of November, 2009.

BY THE COURT:


ZITA L. WEINSHIENK, Senior Judge
United States District Court

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. 09-cv-02328-BNB

Wellman E. Gibson
Prisoner No. 74384
Arkansas Valley Corr. Facility
PO Box 1000
Crowley, CO 81034

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 11/20/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk