

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02127-CMA-CBS

ROBERT SCHWARTZ,  
Plaintiff,

v.

TIMOTHY CREANY, M.D.,  
PAULA FRANTZ, M.D.,  
KAREN MONTES SANCHEZ, N.P.,  
MARY KAY CARTER, N.P., and  
ARISTEDES W. ZAVARAS, Executive Director,  
all employees of the Colorado Department of Corrections, individually and in their  
official capacities,  
Defendants.

FILED  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

JUN 30 2010

GREGORY C. LANGHAM  
CLERK

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ORDER GRANTING SERVICE BY UNITED STATES MARSHAL

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Magistrate Judge Craig B. Shaffer

This civil action is before the court for service of the "Amended Complaint in a Single Document" ("Amended Complaint") (doc. # 32). Pursuant to the Order of Reference dated September 18, 2009 (doc. # 9), this case was referred to the Magistrate Judge. On September 8, 2009, the court granted Plaintiff Mr. Schwartz leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. (See doc. # 2). It is now

ORDERED that, if appropriate, the Clerk of the Court shall attempt to obtain a waiver of service from Defendants Timothy Creany, M.D., Karen Montes Sanchez, N.P., and Mary Kay Carter, N.P. If the Clerk is unable to do so, the United States Marshal shall serve a copy of the Amended Complaint (doc. # 32) and summons upon

Defendants Timothy Creany, M.D., Karen Montes Sanchez, N.P., and Mary Kay Carter, N.P. 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 after service of process, all Defendants shall respond to the Amended Complaint (doc. # 32) as provided for in the Federal Rules of Civil Procedure.

Dated at Denver, Colorado this 29th day of June, 2010.

BY THE COURT:

s/ Craig B. Shaffer  
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

**CERTIFICATE OF MAILING**

Civil Action No. 09-cv-02127-CMA-CBS

Robert Schwartz  
Prisoner No. 60801  
CTCF  
PO Box 1010  
Cañon City, CO 81215-1010

Timothy Creany, Karen Montes Sanchez,  
and Mark Kay Carter – **WAIVER\***  
c/o Keith Nordell  
Colorado Department of Corrections  
Office of Legal Affairs  
**DELIVERED ELECTRONICALLY**

Jennifer Susan Huss  
Assistant Attorney General  
Office of the Attorney General  
**DELIVERED ELECTRONICALLY**

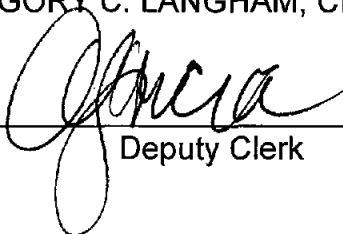
John Suthers, Attorney General  
Office of the Attorney General  
**DELIVERED ELECTRONICALLY**  
**COURTESY COPY**

Paul Sanzo, 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 Timothy Creany, Karen Montes Sanchez, and Mark Kay Carter : AMENDED COMPLAINT FILED 06/22/10, SUMMONS, WAIVER\*, AND NOTICE OF AVAILABILITY OF MAGISTRATE JUDGE on 6/30/10.

GREGORY C. LANGHAM, CLERK

By: \_\_\_\_\_

  
Deputy Clerk