

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02207-CMA-KLM

JOSE MEDINA ESCOBAR,

Plaintiff,

v.

WARDEN S. JONES,
DIRECTOR B. ZALMAN,
ASSOCIATE WARDEN B. ALLEN,
MAJOR HOLDITCH,
CAPTAIN K. FOSTER,
CAPTAIN J. DALTON,
LIEUTENANT MARTZ,
LIEUTENANT CHAVEZ,
SERGEANT A. LUNA,
SERGEANT BINDER,
SERGEANT J. WEST,
SERGEANT HARDRICK,
SERGEANT VAN DYKE,
SERGEANT HUDSPETH,
SERGEANT KELEMAN
C/O D. GALLAGHER,
C/O BRYANT,
C/O A. DALTON,
C/O R. MARTINEZ,
C/O PASARO,
NURSE N. WALKER,
DOCTOR WRIGHT,
CAPTAIN HUERTAS,
LIEUTENANT VAN VELDER,
SERGEANT POOL,
C/O GIORDANO, and
C/O KAISER,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

FEB 23 2010

GREGORY C. LANGHAM
CLERK

ORDER GRANTING SERVICE BY UNITED STATES MARSHAL

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

Plaintiff has filed a Third Amended Complaint in this matter [Docket No. 29]. In his Third Amended Complaint, Plaintiff added five Defendants: Captain Huertas, Lieutenant Van Velder, Sergeant Pool, C/O Giordano, and C/O Kaiser. The Court has granted Plaintiff leave to proceed *in forma pauperis*. The Court previously ordered service of the Third Amended Complaint [Docket No. 33], and waiver of service was returned executed as to all of five added Defendants [Docket No. 35]. It has come to the Court's attention, however, that the version of the Third Amended Complaint served on the new Defendants was incomplete because of a docketing error. The Third Amended Complaint as docketed is now complete, and the Court will again direct that it be served on the five added Defendants. Accordingly,

IT IS **ORDERED** that, if appropriate, the Clerk shall attempt to obtain a waiver of service from the five added Defendants. If unable to do so, the United States Marshal shall serve a copy of the Third Amended 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 Defendants or counsel for Defendants shall respond to the Third Amended Complaint as provided for in the Federal Rules of Civil Procedure after service of process on Defendants. The time for their response shall be calculated from the date on which they are served or waive service as to the complete Third Amended Complaint.

Dated: February 22, 2010

BY THE COURT:

s/ Kristen L. Mix
U.S. Magistrate Judge
Kristen L. Mix

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. 09-cv-02207-CMA-KLM

Jose Medina Escobar
Prisoner No. 48895
Colorado State Penitentiary
PO Box 777
Cañon City, CO 81215- 0777

Captain Huertas, Lt. Van Velder,
Sgt. Pool, C/O Giordano, and C/O Kaiser – **WAIVER***
c/o Keith Nordell
Colorado Department of Corrections
Office of Legal Affairs
DELIVERED ELECTRONICALLY

Timothy R. Arnold
Attorney at Law
DELIVERED ELECTRONICALLY

Edward T. Farry, Jr.
Attorney at Law
DELIVERED ELECTRONICALLY

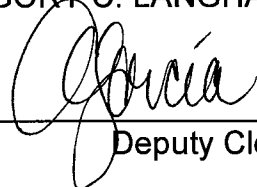
John Suthers, Attorney General
Office of the Attorney General
DELIVERED ELECTRONICALLY
COURTESY COPY

Paul Sanzo, Asst. Attorney General
Office of the Attorney General
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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 the Keith Nordell for service of process on Captain Huertas, Lt. Van Velder, Sgt. Pool, C/O Giordano, and C/O Kaiser: THIRD AMENDED COMPLAINT FILED 2/09/10 (DOCUMENT 29), SUMMONS, WAIVER*, AND NOTICE OF AVAILABILITY OF MAGISTRATE JUDGE on 2/23/10.

GREGORY C. LANGHAM, CLERK

By: _____



Deputy Clerk