

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Chief Judge Wiley Y. Daniel

Civil Action No. 09-cv-02265-WYD-BNB

JOSEPH A. ELLSWORTH,

Plaintiff,

v.

PAT MONTEZ,  
CHARLES OLIN,  
A. ZAVARAS,  
CATHY HOIST,  
MARSHALL GRIFFITH,  
PAULA FRANTZ, and  
BURL McCULLAR,

Defendants.

**FILED**  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

NOV -9 2009

GREGORY C. LANGHAM  
CLERK

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**ORDER GRANTING SERVICE BY UNITED STATES MARSHAL**

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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 this 6th day of November, 2009.

BY THE COURT:

s/ Wiley Y. Daniel  
WILEY Y. DANIEL,  
CHIEF UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

**CERTIFICATE OF MAILING**

Civil Action No. 09-cv-02265-WYD-BNB

Joseph A. Ellsworth  
Prisoner No. 143978  
CTCF  
PO Box 1010  
Cañon City, CO 81215-1010

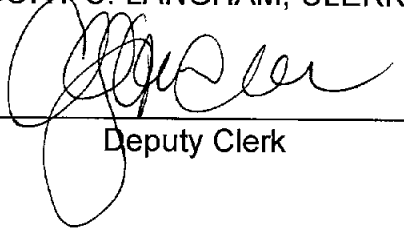
Pat Montez, Charles Olin, A. Zavaras, Cathie Holst,  
Marshall Griffith, Paula Frantz, and Burl McCullar - **WAIVER\***  
c/o Keith Nordell  
Colorado Department of Corrections  
Office of Legal Affairs  
**DELIVERED ELECTRONICALLY**

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 Pat Montez, Charles Olin, A. Zavaras, Cathy Holst, Marshall Griffith, Paula Frantz, and Burl McCullar: AMENDED COMPLAINT FILED 10/01/09, ORDER FILED 11/04/09, SUMMONS, WAIVER\*, AND NOTICE OF AVAILABILITY OF MAGISTRATE JUDGE on 11/9/09.

GREGORY C. LANGHAM, CLERK

By:   
Deputy Clerk