

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02325-ZLW-BNB

EDWARD ALLEN,

Plaintiff,

v.

ARISTEDES ZAVARAS,  
SARGENT [sic] FRACKMORE,  
SARGENT [sic] BOATWRIGHT,  
OFFICER S. VIGIL, and  
LT. STANGER,

Defendants.

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

OCT 22 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: October 21, 2009

BY THE COURT:

A handwritten signature in black ink, appearing to read "Zita L. Weinchenk". The signature is written in a cursive style with a large initial "Z".

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UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

**CERTIFICATE OF MAILING**

Civil Action No. 09-cv-02325-ZLW-BNB

Edward Allen  
Prisoner No. 122690  
Sterling Correctional Facility  
PO Box 6000  
Sterling, CO 80751

Aristedes Zavaras, Sgt. Frackmore, Sgt. Boatwright,  
Officer S. Vigil, and Lt. Stanger– **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 Aristedes Zavaras, Sgt. Frackmore, Sgt. Boatwright, Officer S. Vigil, and Lt. Stanger: COMPLAINT FILED 09/30/09, SUMMONS, WAIVER\*, AND NOTICE OF AVAILABILITY OF MAGISTRATE JUDGE on 10/22/09.

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk