

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02817-REB-MEH

JUSTIN JOSEPH RUEB,

Plaintiff,

v.

ARISTEDES ZAVARAS, *et al.*

Defendants.

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**ORDER**

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**Michael E. Hegarty, United States Magistrate Judge.**

Plaintiff's "Motion to Compel Discovery and/or Furnishing of Defendant Contact Information to the U.S. Marshal's Office" [[filed November 30, 2010; docket #115](#)] is **granted in part** and **denied in part** as follows. The motion is **granted** to the extent the Court directs the U.S. Marshal Service to serve Defendant Suthers, pursuant to the Order Requiring Service and the updated information regarding an address for Defendant Suthers. (*See* dockets ##25, 26.) The Court extends the time in which to effect service only for service on Defendant Suthers, up to and including **December 30, 2010**.

The motion is **denied** to the extent the U.S. Marshal Service has satisfied its obligation to attempt service on Defendant Neal and the time in which to effect service has expired. (*See* docket #94.) The Return of Service indicates that the U.S. Marshal attempted to serve Defendant Neal on April 1, April 19, May 19, and June 10, 2010. The notes on the Return demonstrate that the current resident informed the Marshal that Defendant Neal no longer lives at the address provided, and her current address is unknown. (*Id.*) Plaintiff has not provided an additional address at which to attempt service, and it is not solely the responsibility of the U.S. Marshal to seek out and find any defendant identified by a plaintiff proceeding *in forma pauperis*. *See, e.g., Tillotson v. McCoy*, No. 10-cv-00483-

REB-BNB, 2010 WL 4810721, at \*1 (D. Colo. Nov. 19, 2010) (citing *Patillo v. Larned State Hospital*, No. 09-2545-JWL, 2010 WL 2719054, at \*1 (D. Kan. July 7, 2010) (citation omitted) (cautioning pro se, in forma pauperis plaintiff that complaint must include addresses and any other identifying information sufficient to permit the United States Marshal to effect service on these defendants); *Hill v. Ortiz*, No. 07-cv-00571-LTB-CBS, 2008 WL 2020289, at \*6 (D. Colo. May 9, 2008) (“The court need not require the U.S. Marshal or the Clerk of the Court to search for Defendants ...”)).

The motion is further **denied** as to Plaintiff’s request to “replace” Defendant Ken Salazar with Joe Ortiz. Mr. Ortiz is a non-party to this action and is not named in Plaintiff’s Amended Complaint. This motion is not the proper mechanism to make such request.

SO ORDERED.

Dated at Denver, Colorado, this 7th day of December 2010.

BY THE COURT:

A handwritten signature in black ink that reads "Michael E. Hegarty". The signature is written in a cursive, flowing style.

Michael E. Hegarty  
United States Magistrate Judge