

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Christine M. Arguello

Civil Action No. 09-cv-02965-CMA-KMT

DANA COOPER,

Plaintiff,

v.

SGT. BINDER,  
WARDEN JONES,  
C/O VIALAPRANDO,  
C/O SIMMONS, and  
LT. CHAVEZ,

Defendants.

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

JAN 28 2010

GREGORY C. LANGHAM  
CLERK

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**ORDER GRANTING SERVICE BY UNITED STATES MARSHAL**

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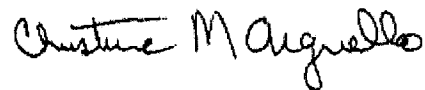
THIS CAUSE came before the Court on the affidavit in support of the motion for leave to proceed without prepayment of fees or security pursuant to 28 U.S.C. § 1915. The Court has granted Plaintiff leave to proceed *in forma pauperis*. It now is

ORDERED that, if appropriate, the Clerk shall attempt to obtain a waiver of service from 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 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 the Defendants shall respond to the complaint as provided for in the Federal Rules of Civil Procedure after service of process on Defendants.

DATED: January 27, 2010

BY THE COURT:



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CHRISTINE M. ARGUELLO  
United States District Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

**CERTIFICATE OF MAILING**

Civil Action No. 09-cv-02965-CMA-KMT

Dana Cooper  
Prisoner No. 135056  
Colorado State Penitentiary  
PO Box 777  
Cañon City, CO 81215- 0777

Sgt. Binder, Warden Jones,  
C/O Vialpando, C/O Simmons,  
and Lt. Chavez – **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 Keith Nordell for service of process on Sgt. Binder, Warden Jones, C/O Vialpando, C/O Simmons, and Lt. Chavez: COMPLAINT FILED 12/21/09, SUMMONS, WAIVER\*, AND NOTICE OF AVAILABILITY OF MAGISTRATE JUDGE on 1/28/10.

GREGORY C. LANGHAM, CLERK

By:   
Deputy Clerk