

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-03024-CMA-KLM

DONALD GARCIA,

Plaintiff,

v.

BRIAN WEBSTER, in his individual capacity,
BRIAN WEBSTER, physician's assistant, in his official capacity,
KEVIN MILLYARD, in his individual capacity,
KEVIN MILLYARD, Warden, in his official capacity,
STOCK, in his individual capacity,
STOCK, physician's assistant, in his official capacity,
GOLDEN, in his individual capacity,
GOLDEN, doctor, in his official capacity,
FORTUNATO, in his individual capacity,
FORTUNATO, doctor, in his official capacity,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO
APR -6 2010
GREGORY C. LANGHAM
CLERK

ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiff's **Motion to Show Cause** [Docket No. 22; Filed April 1, 2010]. The Motion is in response to the Court's Order to Show Cause [Docket No. 19] .

The Order to Show Cause was issued because Defendant Webster has not been served with the Summons and Complaint [Docket No. 9]. The operative Complaint was filed on December 30, 2009 [Docket No. 3]. By Order dated January 13, 2010 [Docket No. 7], the United States Marshal was directed to seek a waiver of service of the Summons and Complaint on all Defendants by sending the pleadings to the Colorado Department of Corrections ("CDOC"). However, Defendant Webster is no longer employed by the CDOC

and no forwarding address was provided. Thereafter, Plaintiff was ordered to provide sufficient contact information for the Court to effect service on Defendant Webster or the Court would issue a recommendation to dismiss Plaintiff's action as to him. Plaintiff has now provided an address for the Court.

IT IS HEREBY **ORDERED** that Motion is **GRANTED**. The United States Marshal shall serve a copy of the summons and complaint and all other orders upon Defendant Webster at the address provided by Plaintiff: Brian L. Webster c/o Debra L. Webster, Steven Hillis, 730 Sharar Court, Cape Coral Florida 33904.

Dated: April 5, 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-03024-CMA-KLM

Donald Garcia
Prisoner No. 55819
Sterling Correctional Facility
PO Box 6000
Sterling, CO 80751

US Marshal Service
Service Clerk
Service forms for: Brian Webster

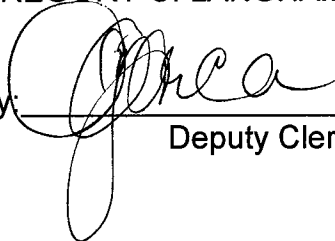
Keith Nordell
Colorado Department of Corrections
Office of Legal Affairs
**DELIVERED ELECTRONICALLY
COURTESY COPY**

Jennifer Susan Huss
Assistant Attorney General
Office of the Attorney General
DELIVERED ELECTRONICALLY

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 the United States Marshal Service for service of process on Brian Webster: COMPLAINT FILED 12/30/09, SUMMONS, AND NOTICE OF AVAILABILITY OF MAGISTRATE JUDGE on 4/6/10.

GREGORY C. LANGHAM, CLERK

By: 
Deputy Clerk