

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

Civil Action No. 10-cv-01448-PAB

SEP 10 2010

DAVID O. POWELL,

GREGORY C. LANGHAM
CLERK

Plaintiff,

v.

STEVE GREEN, Warden, Buena Vista Correctional Facility,
GEORGE DUNBAR, Former Warden, Buena Vista Correctional Facility,
WILLIAM BRUNELL, Associate Warden, Buena Vista Correctional Facility,
TERRI BARTRUFF, Former Associate Warden, Buena Vista Correctional Facility,
JASON LENGERRICH, Major, Buena Vista Correctional Facility,
J. DETERMAN, Captain, Maintenance Supervisor, Buena Vista Correctional Facility,
A. ORTEGA, Captain, Maintenance Supervisor, Buena Vista Correctional Facility,
D. CONNORS, Major, Plant Manager, Buena Vista Correctional Facility,
T. COLEMAN, Captain, Living Unit Manager, Buena Vista Correctional Facility,
G. SMETHERS, Health and Safety Manager, Buena Vista Correctional Facility,
THOMAS C. FISHER, M.D., Buena Vista Correctional Facility,
JOAN SHOEMAKER, Director, Clinical Services, Colorado Department of Corrections,
PAULA FRANTZ, Chief Medical Officer, Colorado Department of Corrections,
R. KATZENMEYER, Former Health Services Admin., Buena Vista Correctional Facility,
B. KASPAR, Medical Provider, Buena Vista Correctional Facility,
K. BARONI, Medical Provider, Buena Vista Correctional Facility,
K. BASSETT, Medical Provider, Buena Vista Correctional Facility,
C. STURGEON, Medical Provider, Buena Vista Correctional Facility,
R. MIRICH, Medical Provider, Buena Vista Correctional Facility,
S. HAMILTON, Medical Provider, Buena Vista Correctional Facility,
V. FERGUSON, Medical Provider, Buena Vista Correctional Facility,
M. KALMEYER, Medical Provider, Buena Vista Correctional Facility, and
each of their supervisors, designees, and all unnamed individuals that directly
participated in the wrongs claimed in this action, or failed to remedy the wrong upon
learning of it, and each of their Officers, Agents and Successors,

Defendants.

ORDER GRANTING SERVICE BY UNITED STATES MARSHAL

This matter comes 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 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 September 8, 2010.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. 10-cv-01448-PAB-BNB

David O. Powell
Prisoner No. 123837
Buena Vista Corr. Facility
PO Box 2017
Buena Vista, CO 81211

Steve Green, George Dunbar, William Brunell, Terri Bartruff,
Jason Lengerich, J. Determan, A. Ortega, D. Connors,
T. Coleman, G. Smethers, Thomas C. Fisher,
Joan Shoemaker, Paula Frantz, R. Katzenmeyer,
B. Kaspar, K. Baroni, K. Bassett, C. Sturgeon,
R. Mirich, S. Hamilton, V. Ferguson, M. Kalmeyer, – **WAIVER***
c/o Keith Nordell
Colorado Department of Corrections
Office of Legal Affairs
DELIVERED ELECTRONICALLY

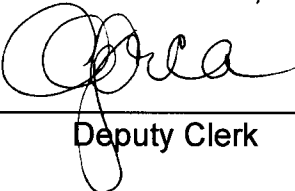
John Suthers, Attorney General
Office of the Attorney General
DELIVERED ELECTRONICALLY
COURTESY COPY

Paul Sanzo, Asst. Attorney General
Office of the Attorney General
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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 Steve Green, George Dunbar, William Brunell, Terri Bartruff, Jason Lengerich, J. Determan, A. Ortega, D. Connors, T. Coleman, G. Smethers, Thomas C. Fisher, Joan Shoemaker, Paula Frantz, R. Katzenmeyer, B. Kaspar, K. Baroni, K. Bassett, C. Sturgeon, R. Mirich, S. Hamilton, V. Ferguson, M. Kalmeyer: **SECOND AMENDED COMPLAINT FILED 8/27/10, SUMMONS, WAIVER*, AND NOTICE OF AVAILABILITY OF MAGISTRATE JUDGE** on 9/10/10.

GREGORY C. LANGHAM, CLERK

By: _____



Deputy Clerk