

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Robert E. Blackburn

Civil Action No. 10-cv-01478-REB-CBS

JONATHAN ESTES,

Plaintiff,

v.

DOCTOR J. G. FORTUNATO,  
CAPTAIN MICHAEL NEGLEY, and  
MARY COX,

Defendants.

FILED  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO  
JUL 22 2010  
GREGORY C. LANGHAM  
CLERK

---

ORDER REQUIRING SERVICE BY UNITED STATES MARSHAL

---

**Blackburn, J.**

This matter is 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*.

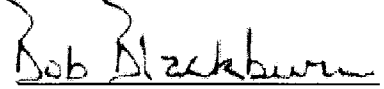
**THEREFORE, IT IS ORDERED** as follows:

1. That if appropriate, the Clerk shall attempt to obtain a waiver of service from each of the defendants;
2. That if the Clerk is unable to do so, then 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 on each of the defendants; provided, furthermore, that if appropriate, the Marshal shall first attempt to obtain a waiver of service of these documents pursuant to Fed. R. Civ. P. 4(d);
3. That all costs of service shall be advanced by the United States; and

4. That after service of process, any defendant or counsel for any defendant having been served shall respond to the complaint as provided in the Federal Rules of Civil Procedure.

Dated July 22, 2010, at Denver, Colorado.

**BY THE COURT:**

  
Robert E. Blackburn  
United States District Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

**CERTIFICATE OF MAILING**

Civil Action No. 10-cv-01478-REB-CBS

Jonathan Estes  
Prisoner No. 123035  
Sterling Correctional Facility  
PO Box 6000  
Sterling, CO 80751

Dr. J.G. Fortunato, Captain Michael Negley and Mary Cox – **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 Dr. J.G. Fortunato, Captain Michael Negley and Mary Cox: COMPLAINT FILED 6/23/10, SUMMONS, WAIVER\*, AND NOTICE OF AVAILABILITY OF MAGISTRATE JUDGE on 7/22/10.

GREGORY C. LANGHAM, CLERK

By: \_\_\_\_\_

Deputy Clerk