

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-02172-CMA-KLM

BONNER ROBINETTE, and  
SHIRLEY ROBINETTE,

Plaintiffs,

v.

SYDNEY "DUKE" SCHIRARD, Sheriff, La Plata County Colorado, in his individual and professional capacities,  
BOBBIE FENDER, in his individual and professional capacities,  
AMBER FENDER, in her individual and professional capacities,  
STEVE SCHMIDT, in his individual and professional capacities,  
MELVIN SCHAFF, in his individual and professional capacities,  
CHARLES HAMBY, in his individual and professional capacities, and  
SEAN SMITH, in his individual and professional capacities,

Defendants.

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

JUN 22 2011

**GREGORY C. LANGHAM**  
CLERK

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**ORDER GRANTING SERVICE BY UNITED STATES MARSHAL**

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**ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX**

This matter is before the Court pursuant to the Order to Show Cause [Docket No. 26] issued on May 26, 2011. On June 2, 2011, Plaintiffs filed a Response [Docket No. 27] to the Order in which they provided new addresses for Defendants who remain unserved, Amber Fender and Sean Smith. The Court has granted Plaintiffs leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. *Order* [Docket No. 10]; *see also Order Granting Service by United States Marshal* [Docket No. 19]. Accordingly,

IT IS HEREBY **ORDERED** that the Order to Show Cause [#26] is **DISCHARGED**.

IT IS FURTHER **ORDERED** that, if appropriate, the United States Marshal shall

attempt to obtain a waiver of service pursuant to Fed. R. Civ. P. 4(d) from Defendants Amber Fender and Sean Smith at their respective addresses as provided by Plaintiffs: **813 Saguaro, Bayfield, CO 81122** and **United States Attorney's Office for the Western District of Oklahoma, 210 West Park Avenue, Oklahoma City, OK 73102**. If unable to obtain a waiver, the United States Marshal shall serve a copy of the Amended Complaint [Docket No. 16], summons, Order [Docket No. 10] granting leave to proceed pursuant to 28 U.S.C. § 1915, and all other orders of the Court upon Defendants Amber Fender and Sean Smith at the above addresses. All costs of service shall be advanced by the United States.

IT IS FURTHER **ORDERED** that Defendants Amber Fender and Sean Smith or their counsel shall respond to the Amended Complaint [#16] as provided for in the Federal Rules of Civil Procedure after they receive service of process.

DATED: June 21, 2011 at Denver, Colorado.

BY THE COURT:

s/ Kristen L. Mix  
Kristen L. Mix  
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

**CERTIFICATE OF MAILING**

Civil Action No. 10-cv-02172-CMA-KLM

Lynda E. Carter, Esq.  
Attorney at Law  
**DELIVERED ELECTRONICALLY**

Sean James Lane  
Attorney at Law  
Cross Liechty Lane, P.C.  
**DELIVERED ELECTRONICALLY**

US Marshal Service  
Service Clerk  
Service forms for: Amber Fender, and Sean Smith

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 Amber Fender, and Sean Smith: AMENDED COMPLAINT FILED 2/24/11, SUMMONS, AND NOTICE OF AVAILABILITY OF MAGISTRATE JUDGE on June 22, 2011.

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk