

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

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JAN -7 2011

GREGORY C. LANGHAM
CLERK

Civil Action No. 10-cv-02559-REB-KLM

NICKY L. SMITH,

Plaintiff,

v.

CPT. SCOTT GIBSON,

Defendant.

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*.

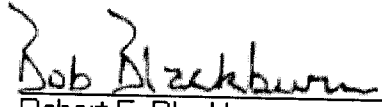
THEREFORE, IT IS ORDERED as follows:

1. That if appropriate, the Clerk shall attempt to obtain a waiver of service from the defendant;
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 the defendant; 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, the defendant or counsel for the defendant

having been served shall respond to the complaint as provided in the Federal Rules of Civil Procedure.

Dated January 7, 2011, at Denver, Colorado.

BY THE COURT:

A handwritten signature in black ink that reads "Bob Blackburn". The signature is written in a cursive style with a large initial "B".

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-02559-REB-KLM

Nicky L. Smith
Prisoner No. 98861
Sterling Correctional Facility
PO Box 6000
Sterling, CO 80751

Captain Scott Gibson– **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 Captain Scott Gibson: COMPLAINT FILED 10/20/10, ORDER FILED 01/05/11, SUMMONS, WAIVER*, AND NOTICE OF AVAILABILITY OF MAGISTRATE JUDGE on 1/07/11.

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk