

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

FEB 28 2011

GREGORY C. LANGHAM
CLERK

Civil Action No. 10-cv-02715-LTB-KLM

JEFFREY L. YARBERRY,

Plaintiff,

v.

TOM J. VILSACK, Secretary, US Department of Agriculture,

Defendant.

ORDER GRANTING SERVICE BY UNITED STATES MARSHAL

THIS CAUSE came 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 Plaintiff leave to proceed *in forma pauperis*. Accordingly,

IT IS HEREBY **ORDERED** that, if appropriate, the Clerk shall attempt to obtain a waiver of service from Defendant. If unable to do so, the United States Marshal shall serve a copy of the Amended Complaint [Docket No. 8], summons, order granting leave to proceed pursuant to 28 U.S.C. § 1915, and all other orders upon Defendant at the above addresses. 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 Defendant or his counsel shall respond to the Amended Complaint as provided for in the Federal Rules of Civil Procedure after service of process on him.

DATED: February 25, 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-02715-LTB-KLM

Jeffery L. Yarberry
3895 Downieville St.
Loveland, CO 80538

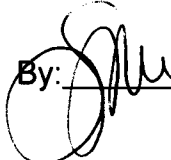
United States Secretary of Agriculture- **CERTIFIED**
Tom J. Vilsack, Secretary
1400 Independence Ave. SW
Washington, D.C. 20250

United States Attorney General - **CERTIFIED**
Room 5111, Main Justice Bldg.
10th and Constitution, N.W.
Washington, D.C. 20530

United States Attorney
District of Colorado
DELIVERED ELECTRONICALLY

I hereby certify that I have mailed a copy of the ORDER to the above-named individuals, and the following forms to the The United States Attorney General; to the United States Attorney's Office for service of process on Tom J. Vilsack, Secretary of Department of Agriculture: COMPLAINT FILED 11/15/10, SUMMONS, AND NOTICE OF AVAILABILITY OF MAGISTRATE JUDGE on February 28, 2011.

GREGORY C. LANGHAM, CLERK

By:  _____
Deputy Clerk