

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Magistrate Judge Boyd N. Boland

Civil Action No. 11-cv-00136-WJM-BNB

RICHARD J. LYNN,

Plaintiff,

v.

W. COX, SIS Investigator,  
J. BOLEY, Unit Manager,  
J. CAREY, Disciplinary Hearing Officer,  
R. SHANK, Staff Representative,  
R. WILEY, Warden, ADX,  
B. DAVIS, Warden, ADX,  
J. FOX, Associate Warden, ADX,  
J. JONES, Associate Warden, ADX,  
M. COLLINS, Unit Manager, ADX,  
P. RANGEL, Unit Manager, ADX,  
A. FENLON, Case Manager,  
T. JOHNS, Warden USP-1 Coleman, FL,  
R. BURTON, Associate Warden, USP-1 Coleman, FL, and  
O. BARAT, Captain, USP-1 Coleman, FL,

Defendants.

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**ORDER GRANTING SERVICE BY UNITED STATES MARSHAL**

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The plaintiff is currently incarcerated by the Federal Bureau of Prisons (“BOP”). He filed his Second Amended Prisoner Complaint on June 6, 2011 [Doc. #13] (the “Complaint”). On July 15, 2011, the district judge ordered the United States Marshal to effect service upon the defendants [Doc. #16].

On September 22, 2011, the Marshal filed an unexecuted Process Receipt and Return [Doc. #26] which states that the Marshal attempted to serve defendant O. Barat at the address provided by the plaintiff in his Complaint; Barat is no longer employed by the BOP; and a

forwarding address was provided to the Marshal. The Marshal attempted to serve Barat at the forwarding address, but the Return [Doc. #47] was unexecuted. The Return states that “O. Barat does not live at above address as per house owner - who has been here for six yrs.”

Consequently, I ordered the plaintiff to show cause why the Complaint should not be dismissed as against defendant O. Barat for failure to prosecute. In response, the plaintiff states that Captain Oscar Barat’s address is 1091 S. Brookfield Drive, Lecanto, FL 34461.

Accordingly,

**IT IS ORDERED:**

1. 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 defendant O. Barat;
2. Defendant O. Barat or counsel for the defendant shall respond to the Complaint as provided for in the Federal Rules of Civil Procedure after service of process on the defendant; and
3. The Clerk of the Court shall send a copy of this order to the plaintiff at (a) the United States Penitentiary, P.O. Box 7000, Florence, CO 81226; (b) FTC Oklahoma City, Federal Transfer Center, P.O. Box 898801, Oklahoma City, OK 73189; and (c) USP Coleman II, U.S. Penitentiary, P.O. Box 1034, Coleman, FL 33521.

Dated December 7, 2011.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge