

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Honorable Marcia S. Krieger

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

Civil Action No. 11-cv-00341-MSK-MEH

APR -7 2011

DAVID LEE BURKHART,

GREGORY C. LANGHAM
CLERK

Plaintiff,

v.

WARDEN RAE TIMME, In her Official and Personal Capacity,
CASE MANAGER ARTHUR TRAINOR, In his Official and Personal Capacity,
ASSISTANT WARDEN RON WAGER, In his Official and Personal Capacity,
CASE MANAGER III SHELLY ORTIZ, In her Official and Personal Capacity,
CORRECTIONAL OFFICER I MS. SEGURA, In her Official and Personal Capacity,

Defendants.

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 the plaintiff leave to proceed *in forma pauperis*. It now is

ORDERED that, if appropriate, the Clerk shall attempt to obtain a waiver of service from the defendants. If unable to do so, 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 the defendants. 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 the defendants or counsel for the defendants shall respond to the complaint as provided for in the Federal Rules of Civil Procedure after service of process on the defendants.

DATED this 7th day of April, 2011.

BY THE COURT:

Marcia S. Krieger

Marcia S. Krieger
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. 11-cv-00341-MSK-MEH

David Lee Burkhart
Prisoner No. 146917
Fremont Correctional Facility
PO Box 999
Cañon City, CO 81215- 0999

Rae Timme, Arthur Trainor, Ron Wager,
Shelly Ortiz, and Ms. Segura - **WAIVER***
c/o Keith Nordell
Colorado Department of Corrections
Office of Legal Affairs
DELIVERED ELECTRONICALLY
COURTESY COPY

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 the Keith Nordell for service of process on Rae Timme, Arthur Trainor, Ron Wager, Shelly Ortiz, and Ms. Segura : COMPLAINT FILED 2/09/11, WAIVER*, SUMMONS, AND NOTICE OF AVAILABILITY OF MAGISTRATE JUDGE on 4/7/11.

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk