

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

Civil Action No. 11-cv-01871-REB-KLM

SHERWYN OATES,

Plaintiff,

v.

MATTHEW PATELLA,

Defendant.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

SEP 26 2011

GREGORY C. LANGHAM
CLERK

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 September 26, 2011, at Denver, Colorado.

BY THE COURT:


Robert E. Blackburn
Robert E. Blackburn
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. 11-cv-01871-REB-KLM

Sherwyn Oates
Prisoner No. 150996
Crowley County Corr. Facility
6564 State Hwy. 96
Olney Springs, CO 81062-8700

US Marshal Service
Service Clerk
Service forms for: Matthew Patella

Skipper S. Spear
Colorado Attorney General's Office
skip.spear@state.co.us

Stacey L. Aurzada
Greeley City Attorney's Office
stacey.aurzada@greeleygov.com

Robert H. Choate
Greeley City Attorney's Office
bob.choate@greeleygov.com

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 Matthew Patella: COMPLAINT FILED 7/19/11, ORDER FILED 9/19/11, SUMMONS, AND NOTICE OF AVAILABILITY OF MAGISTRATE JUDGE on 9/24/11.

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk