

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

Civil Action No. 11-cv-02822-WJM-BNB

JAMES M. BERTOLO,

Plaintiff,

v.

LT. TOM BENEZEE, Lieutenant CTCF,  
R. VIOLA, CTCF Mail Room,  
M. GARCIA, CTCF Mail Room,  
DIANE MILLCO, CTCF Mail Room,  
MAJOR MIKLICH, [CTCF Reading Committee],  
LT. WORTHEN, [CTCF Reading Committee],  
JOY HART, [CTCF Reading Committee],  
KIETH NORDEL,  
MARSHALL GRIFFITH,  
STEVE HAGAR,  
SUSAN JONES,  
MIRA LONGGLOSS,  
BURL McCULLAR, and  
KIRK MACHIN, all CDOC Springs Employees and Members of Central Reading Committee,

Defendants.

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**ORDER**

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This matter arises *sua sponte*. The plaintiff filed his Fourth Amended Complaint (the “Complaint”) on February 27, 2012 [Doc. #17]. At the time he filed this Complaint, the plaintiff was incarcerated by the Colorado Department of Corrections (“DOC”) at the Colorado Territorial Correctional Facility (“CTCF”). He names “Diane Millco CTCF Mailroom” as one of the defendants.

On March 14, 2012, Teresa Reynolds, Legal Services Group Leader for the DOC, submitted a Waiver of Service for all of the defendants [Doc. #29]. Ms. Reynolds stated that the

DOC has no record of a CTCF mailroom employee named Diane Millco. However, she acknowledged that there is a CTCF mailroom employee named Diane Miller, and service was waived for Diane Miller.

On May 14, 2012, defendants Benezee, Garcia, Griffith, Hagar, Hart, Jones, Longgloss, Machin, McCullar, Miklich, Nordell, Viola, and Worthen filed a motion to dismiss and for summary judgment [Doc. #51]. The motion was not filed on behalf of Diane Miller.

IT IS ORDERED that on or before June 12, 2012, defendant Diane Miller shall answer or otherwise respond to the Complaint.

Dated May 29, 2012.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge