

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-02072-RM-KLM

ARNOLD A. CARY,

Plaintiff,

v.

DAVIS TESSIER, CTCF Health Services Administrator,  
SUSAN M. TIONA, M.D., CTCF, Health Services Physician and Fremont County  
Commissioner,  
JOHN V. BUGLEWICZ, M.D., CTCF, Health Services Physician and Fremont County  
Commissioner,  
LINSEY FISH DEPENA, M.D., CTCF, former Health Services Physician,  
RODNEY ACHEN, CTCF, Food Services Captain,  
RONALD WILLIAMS, CTCF, Lieutenant,  
CHRISTINA TURNER, CTCF Sergeant, and  
ROBERT BURNS, CTCF, Correctional Officer,

Defendant.

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**ORDER**

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**ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX**

This matter is before the Court on the **Order to Show Cause** [#50] issued on September 16, 2013. At that time, it had come to the Court's attention that Defendant Lindsey Fish DePena, M.D., was not served with the Summons and Amended Complaint in this action and, therefore, is not currently a proper party. Plaintiff filed this civil action on August 6, 2012 [#1]. The Amended Complaint was filed on January 23, 2013 [#25]. On March 22, 2013, the United States Marshal was directed to serve a copy of the Summons and Amended Complaint on all Defendants in the above-captioned matter. [#24]. On March 28, 2013, the Summons was returned unexecuted for Defendant Lindsey Fish

DePena with a notation that she was no longer a CDOC employee. [#27]. No forwarding address was provided. While Fed. R. Civ. P. 4(c) requires that the Court effect service of the Summons and Amended Complaint for plaintiffs proceeding *in forma pauperis*, Plaintiff must provide sufficient information for the Court to do so. See *Hill v. Ortiz*, No. 07-cv-00571-LTB-CBS, 2008 WL 2020289, at \*6 (D. Colo. May 9, 2008).

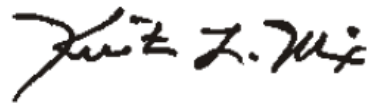
On October 22, 2013, Plaintiff responded to the Order to Show Cause. He provided evidence that a fellow inmate came into contact with Defendant Lindsey Fish DePena some time between August 14, 2013 and October 1, 2013, at the Denver Reception and Diagnostic Center, which is part of CDOC. See *Response* [#54] at 2; *Decl. of Richard Steward* [#55]. In light of this evidence,

IT IS HEREBY **ORDERED** that the Order to Show Cause [#50] is **DISCHARGED**.

IT IS FURTHER **ORDERED** that the United States Marshal shall make one final attempt to serve Defendant Lindsey Fish DePena at CDOC. If the United States Marshal is again unable to serve her as an employee of CDOC based on the information provided by Plaintiff, the Court shall issue a recommendation that she be dismissed for failure to serve.

Dated: October 25, 2013

BY THE COURT:



Kristen L. Mix  
United States Magistrate Judge