

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-00206-PAB-KLM

DAVID B. HOECK,

Plaintiff,

v.

LANCE MIKLICH,  
TED STENZEL,  
DARRYL PROFFIT,  
MATT WINDEN,  
MARY TOOMEY, and  
LINDA WORTHEN,

Defendants.

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**MINUTE ORDER**

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

This matter is before the Court on Plaintiff's **Motion to Amend Complaint** [Docket No. 22; Filed June 3, 2013] (the "Motion"). Pursuant to Fed. R. Civ. P. 15(a)(2),

IT IS HEREBY **ORDERED** that Plaintiff's Second Amended Complaint [#22-1] is accepted for filing as of the date of this Minute Order.

IT IS FURTHER **ORDERED** that those Defendants who have already been served and entered their appearances in this case shall answer or otherwise respond to Plaintiffs' Second Amended Complaint [#22-1] on or before **June 28, 2013**.

In addition to Defendants named in the caption above, the Second Amended Complaint brings claims against the CDOC Executive Director, Rae Timme, Tony DeCesaro, Kirk Machin, Scott Lancaster, Tom Jordan, Valarie Craig, Ken Topliss, J. Stricklett, and Mary Ann Aldrich. See *2<sup>nd</sup> Am. Compl.* [#22-1] at 1. The CDOC Executive Director, Rae Timme, Tony Decesaro, and Kirk Machin have already been dismissed from this lawsuit on March 18, 2013. See *Order to Dismiss in Part and to Draw Case to District Judge and to Magistrate Judge* [#11] at 5. Plaintiff may not simply add defendants to his Second Amended Complaint once they have already been dismissed. Accordingly,

Due to Plaintiff's status as an incarcerated individual and due to the filing of the Second Amended Complaint,

IT IS FURTHER **ORDERED** that, pursuant to Fed. R. Civ. P. 4(d), the United States Marshal shall attempt to obtain a waiver of service of the summons and Second Amended Complaint, if appropriate, from Defendants Scott Lancaster, Tom Jordan, Valarie Craig, Ken Topliss, J. Stricklett, and Mary Ann Aldrich. If unable to do so, the United States Marshal shall serve a copy of the Second Amended Complaint, summons, and all other orders upon these six new Defendants. All costs of service shall be advanced by the United States.

Dated: June 4, 2013