

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kathleen M. Tafoya

Civil Action No. 14-cv-00936-RM-KMT

ARTHUR SANTISTEVAN, AKA, ARTHUR SANTISTEVAN

Plaintiff,

v.

EX DETECTIVE TODD PACHELLO, LONE TREE POLICE DEPARTMENT,

Defendant.

ORDER

This matter is before the court *sua sponte* on Plaintiff's failure to serve Defendant Todd Pachello. Plaintiff's Second Amended Prisoner Complaint was filed on August 4, 2014. (Doc. No. 15.) On August 13, 2014, Senior District Judge Lewis T. Babcock entered an order dismissing Defendants Municipality of the City of Lone Tree, Colorado; Municipality of the City of Castle Rock, Colorado; Ron C. Pinson; Unknown Chief, Douglas County Sheriff's Department; and Unknown John or Jane Does. (Doc. No. 16.) Accordingly, only Plaintiff's claims against Defendant Pachello remain pending. (*See id.*)

Because Plaintiff was granted leave to proceed *in forma pauperis* under 28 U.S.C. § 1915 (*see* Doc. No. 4), he is entitled to have the United States Marshals Service serve process on his behalf, *see* 28 U.S.C. § 1915(d). On August 15, 2014, the Clerk of Court sent a copy of Plaintiff's Second Amended Complaint, Summons, and Notice of Availability of Magistrate Judge to the United States Marshal Service for purposes of effectuating service of process on

Defendant Pachello. (Doc. No. 18.) On August 27, 2014, an unexecuted Return of Service was filed by the Marshal Service indicating that Defendant Pachello is no longer employed at the Lone Tree Police Department and that his current whereabouts are unknown. (Doc. No. 20.)

As indicated by the unexecuted Return of Service, Defendant Pachello cannot be served at the address provided by Plaintiff in his Second Amended Complaint. Although Plaintiff is a *pro se* litigant, he is required to comply with the same rules of procedure governing other litigants, including Federal Rule of Civil Procedure 4, which governs service of process. *Green v. Dorrell*, 969 F.2d 915, 917 (10th Cir. 1992); *DiCesare v. Stuart*, 12 F.3d 973, 980 (10th Cir. 1993). Moreover, although Plaintiff is entitled to have service completed by the United States Marshal Service, Plaintiff must provide the court with the proper information to locate Defendant Pachello before he can be required to answer to this lawsuit.

Therefore, it is

ORDERED that, on or before **November 7, 2014**, Plaintiff shall provide the court with an address at which Defendant Pachello can be served.

Dated this 23rd day of September, 2014.

BY THE COURT:



Kathleen M. Tafoya
United States Magistrate Judge