

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-00971-PAB-KLM

CARL RAY MARBURGER,

Plaintiff,

v.

THE ESTATE OF EDGER ALLEN NEWFELD,

Defendant.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiff's **Motion and Cause to Allow 4th Amendment in Case 14-cv-00971** [#47]¹ (the "Motion to Amend") and Plaintiff's **Motion to Deliver USM -285 in Case 14-cv-00971 as Granted by Informa [sic] Pauperis by the US Marshall [sic] Service** [#46] (the "Service Motion").

On March 4, 2014, the Court ordered Plaintiff to either file:

(1) a motion seeking leave to amend the Third Amended Complaint that explains the basis for amendment and attaches the proposed Fourth Amended Complaint as an exhibit to the motion or (2) a Status Report notifying the Court that he would like the United States Marshal's Service to effectuate service of the Third Amended Complaint [#36] on Myra Newfeld at the address provided on the Tendered Fourth Amended Complaint [#41].

Order [#42] at 3 (emphasis in original). The Motion to Amend and Service Motion were filed in response to the March 4, 2014 Order.

In the Motion to Amend, Plaintiff clarifies that he would like to further amend the operative Third Amended Complaint [#36] and attaches his proposed Fourth Amended Complaint [#47-1] to the Motion to Amend. *Motion to Amend* [#47] at 1-2.

¹ "[#47]" is an example of the convention I use to identify the docket number assigned to a specific paper by the Court's case management and electronic case filing system (CM/ECF). I use this convention throughout this Minute Order.

In the Service Motion, Plaintiff asks the Court to order the United States Marshal's Service to serve the proposed Fourth Amended Complaint on Myra Newfeld as a representative of Defendant. *Service Motion* [#46] at 3-8.

IT IS HEREBY **ORDERED** that the Motion to Amend [#47] and the Service Motion [#46] are **GRANTED**.

IT IS FURTHER **ORDERED** that the Clerk of the Court shall accept Plaintiff's Fourth Amended Complaint [#47-1] for filing as of the date of this Order.

IT IS FURTHER **ORDERED** that the United States Marshal shall serve a copy of the Fourth Amended Complaint [#47-1], summons, order granting leave to proceed pursuant to 28 U.S.C. § 1915 [#7], and all other orders upon Myra Newfeld as a representative of Defendant at the address provided on the first page of the Fourth Amended Complaint. If appropriate, the Marshal shall first attempt to obtain a waiver of service of these documents pursuant to Fed. R. Civ. P. 4(d). All costs of service shall be advanced by the United States.

IT IS FURTHER **ORDERED** that Defendant shall respond to the Fourth Amended Complaint as provided for in the Federal Rules of Civil Procedure after service of process is completed.

Dated: March 31, 2015