

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION**

ANTWAN TATUM
ADC #143961

PLAINTIFF

V.

2:13CV00151 DPM/JTR

MITCHELL, Sergeant,
East Arkansas Regional Unit, ADC, et al.

DEFENDANTS

ORDER

On January 10, 2014, the summons for Defendant Correctional Officer Phillip was docketed as unexecuted because he no longer worked for the Arkansas Department of Correction (“ADC”). *Doc. 12*. The docket entry also stated that Defendant Phillip’s last known private mailing address had been filed under seal. Accordingly, the Court ordered the U.S. Marshal to attempt service on Defendant Phillip at his sealed private address. *Doc. 13*.

It was recently discovered that the docketing entry was incorrect because the summons for Defendant Phillip was actually returned unexecuted because the ADC needs his first name or initial to properly identify him and determine whether he has or is currently working for that institution. *Doc. 13*. That error has now been corrected.

It is Plaintiff’s responsibility to provide the Court with Defendant Phillip’s first

name or initial. *See Lee v. Armontrout*, 991 F.2d 487, 489 (8th Cir. 1993). The Court will give him ninety days to file a Motion for Service containing that information. Plaintiff is advised that if he fails to timely and properly do so, Defendant Phillip will be dismissed from this action, without prejudice, due to a lack of service. *See Fed. R. Civ. P. 4(m)*.

IT IS THEREFORE ORDERED THAT Plaintiff must, **within ninety days of the entry of this Order**, file a Motion for Service containing the first name or initial of Defendant Phillip.

Dated this 17th day of January, 2014.



UNITED STATES MAGISTRATE JUDGE