

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

ERIC SWINK
ADC #161772

PLAINTIFF

v.

No. 3:15-cv-316-DPM

DAVID CARTER, Sheriff,
and ETHAN McGINNIS, Deputy

DEFENDANTS

ORDER

1. Neither Carter nor McGinnis has answered or filed a Rule 12(b) motion; and the time to do so has passed. It's not clear, though, that they were properly served. The returns reflect they were served by certified mail with a return receipt requested. *No* 7 & 8. But the returns don't reflect restricted delivery. This is essential for good service. FED. R. CIV. P. 4(e)(1); ARK. R. CIV. P. 4(d)(8)(A)(I).

2. For good cause, the Court reopens and extends the time for service. FED. R. CIV. P. 4(m). The Court directs the Clerk to prepare new summonses for Carter and McGinnis. By 30 June 2016, the United States Marshal must serve copies of the following documents on Carter and McGinnis without prepayment of fees and costs or security:

- the summonses;
- Swink's complaint, *No 2*;
- the Court's 5 November 2015 Order, *No 3*;
- Swink's amended complaint, *No 5*;
- the Court's 14 December 2015 Order, *No 6*; and
- this Order.

3. The Marshals should serve Carter and McGinnis either (1) in person or (2) by certified mail with restricted delivery and return receipt requested. And Carter and McGinnis should be served through the Greene County Detention Facility, 1809 North Rocking Chair Road, Paragould, Arkansas 72450.

So Ordered.

D.P. Marshall Jr.
D. P. Marshall Jr.
United States District Judge

24 May 2016