

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

**TAKBIR ALLAHU AKBAR MUHAMMAD,
ADC # 86280**

PLAINTIFF

V.

NO. 5:10CV00343-JLH-BD

RAY HOBBS, et al.

DEFENDANTS

ORDER

The summons issued for Defendant Charles Cervin has been returned to the court unexecuted by the United States Marshal Service. (Docket entry #7, #12, #24) Mr. Cervin is no longer an employee of the Arkansas Department of Correction (“ADC”) and cannot be served through the ADC Compliance Division. The ADC, however, provided Mr. Cervin’s last-known address under seal, but the summons at that address has also been returned unexecuted.

It is the responsibility of a prisoner proceeding *pro se* and *in forma pauperis* in a § 1983 action to provide the Court and the U.S. Marshal Service with proper service addresses for the defendants. *Lee v. Armontrout*, 991 F.2d 487, 489 (8th Cir. 1993). The Court will allow Plaintiff forty-five (45) days from the date of this Order to: (1) ascertain a valid service address for Mr. Cervin; and (2) file a “Motion for Service” requesting that service be attempted upon him at that address. Plaintiff is advised that the failure to timely and properly comply with this Order may result in dismissal, without prejudice, of the claims against Mr. Cervin. *See* Fed. R. Civ. P. 4(m) (providing that a Court may *sua*

sponte dismiss a defendant if he or she is not served within 120 days of the filing of the complaint).

IT IS SO ORDERED this 9th day of August, 2011.



UNITED STATES MAGISTRATE JUDGE