

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

KENYA BROWN,  
Plaintiff,

v.

CASE NO. 3:13 CV 902 (JBA)

LEO C. ARNONE,  
Defendant.

**RULING AND ORDER**

Plaintiff, Kenya Brown, currently incarcerated at Corrigan-Radgowski ("Corrigan") has filed a motion entitled "Motion For Proof of Service." (Dkt. #8). The motion includes an "acknowledgment that service has been completed upon the nature of: Leo E. Arnone, Department of Corrections, 24 Wolcott Hill Road, Wethersfield, CT 06109." As the motion seeks no relief, it is denied.

Plaintiff paid the filing fee to commence this civil rights action against Leo C. Arnone. As such, he is responsible for serving a copy of the Amended Complaint on defendant. The acknowledgment contained in the motion for proof of service indicating that plaintiff has served defendant is insufficient. Plaintiff has not provided proof that he arranged to have a non-party who is at least eighteen years old personally serve the Amended Complaint on defendant in his official and individual capacities or that he served defendant in his individual capacity using Notice of Lawsuit and Waiver of Service of Summons forms. See FED. R. CIV. P. 4(c)-(e) and (j),

## ORDERS

(1) The Motion for Proof of Service [**Doc. No. 8**] is **DENIED**. If plaintiff has in fact served defendant with a copy of the Amended Complaint in his individual and official capacities, he shall file evidence/proof of service in the form of returns of service and/or a signed Waiver of Service of Summons form (individual capacity only) within thirty days of the date of this order. The court notes that defendant may not be served in his official capacity using Notice of Lawsuit and Waiver of Service of Summons forms.

If plaintiff has not yet effected service of the Amended Complaint on defendant in his individual and official capacities, he is directed to do so in accordance with the requirements of FED. R. Civ. P. within sixty (60) days of the date of this order. The returns of service and/or signed Waiver of Service of Summons form shall be filed within ninety (90) days of the date of this order. Failure to comply with this order will result in the dismissal of all claims against defendant.

(2) **The Clerk shall** send plaintiff instructions for service of the Amended Complaint, together with one blank Notice of Lawsuit and Waiver of Service of Summons form to enable plaintiff to serve a copy of the Amended Complaint on defendant in his individual capacity and one blank summons form for plaintiff to complete and return to the Clerk for issuance to enable plaintiff to serve a copy of the summons and Amended Complaint on defendant in his

official capacity using the address of the Office of the Attorney General, 55 Elm Street, Hartford, Connecticut 06141.

(3) **Defendant shall** file his response to the Amended Complaint, either an answer or motion to dismiss, within **thirty (30)** days from the date of service. If he chooses to file an answer, he shall admit or deny the allegations and respond to the cognizable claims recited above. He also may include any and all additional defenses permitted by the Federal Rules.

(4) Discovery, pursuant to FED. R. CIV. P.26 through 37, shall be completed within six months (180 days) from the date of this order. Discovery requests need not be filed with the court.

(5) All motions for summary judgment shall be filed within seven months (210 days) from the date of this order.

(6) **If plaintiff changes his address** at any time during the litigation of this case, Local Court Rule 83.1(c)2 provides that he **MUST notify the court.** Failure to do so can result in the dismissal of the case. Plaintiff must give notice of a new address **even if he is incarcerated.** Plaintiff should write "**PLEASE NOTE MY NEW ADDRESS.**" It is not enough to just put the new address on a letter without indicating that it is a new address. If plaintiff has more than one pending case, indicate the case numbers in the notification of change of address. Plaintiff should also notify defendant or the attorney for defendant, if appropriate, of his new address.

SO ORDERED at New Haven, Connecticut this 6<sup>th</sup> day of January,  
2014.

/s/ Joan G. Margolis, USMJ  
JOAN G. MARGOLIS  
UNITED STATES MAGISTRATE JUDGE