

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JAMES N. MCCARDELL,	:
	:
Plaintiff,	:
	:
v.	: Civil Action No. 17-1121-RGA
	:
ADRIAN HAREWOOD, et al.,	:
	:
Defendants.	:

ORDER

At Wilmington this *26* day of October, 2017, for the reasons set forth in the memorandum opinion issued this date;

IT IS ORDERED that:

1. All claims against Perry Phelps, the Delaware Department of Correction, Marc Richman, and Phillip Parker are **DISMISSED** as frivolous and based upon immunity from suit pursuant to U.S.C. § 1915(e)(2)(B)(i) and (iii) and § 1915A(b)(1) and (2).

2. Plaintiff has alleged what appear to be cognizable medical needs claims against Defendants Dr. Adrian Harewood and Connections Community Support Programs, Inc., and may proceed on those claims.

IT IS FURTHER ORDERED that:

1. Plaintiff's motion for injunctive relief is **DENIED** as to his request assistance from inmate Robert Saunders. (D.I. 9).

2. Warden Dana Metzger shall file a response to Plaintiff's motion for injunctive relief (D.I. 9) seeking medical care and a medical diet on or before **November**

9, 2017. As an attachment to this order, the Clerk of Court shall serve electronic copies of the amended complaint and motion for injunctive relief (D.I. 8, 9) upon the DOC and the DDOJ.

IT IS FURTHER ORDERED that:

The Clerk of Court shall notify the Delaware Department of Correction (“DDOC”) and the Delaware Department of Justice (“DDOJ”) of this service order via electronic notification.

IT IS FINALLY ORDERED that:

1. Pursuant to Fed. R. Civ. P. 4(b), (c)(1), (c)(3), and (e) Plaintiff shall request the Clerk of Court to prepare summonses for remaining Defendants Adrian Harewood and Connections Community Support Programs, Inc. Connections Community Support Programs, Inc. may be served through Steven Davis, Esquire at Connections CSP, Inc., 3821 Lancaster Pike, Wilmington, Delaware 19805. Plaintiff shall also complete and return to the Clerk of Court an original, signed “U.S. Marshal-285” forms and copies of the amended complaint (D.I. 8) and the motion for injunctive relief (D.I. 9) for personal service upon remaining Defendants. Failure to request issuance of summonses and to provide a complete “U.S. Marshal 285” forms and copies of the amended complaint and motion for injunctive relief within 90 days from the date of this order may result in the dismissal of the Amended Complaint or Defendant(s) pursuant to Federal Rule of Civil Procedure 4(m).

2. Upon receipt of the request for issuance of summonses, the USM-285 forms, copies of the amended complaint and motion for injunctive relief required by paragraph 1 above, the Clerk of Court shall issue the summonses and transmit the

summonses, USM-285 forms, copies of the amended complaint (D.I. 8), the motion for injunctive relief (D.I. 9), the filing fee order (D.I. 6), and a copy of this Order to the United States Marshals Service ("USMS") for immediate service pursuant to Fed. R. Civ. P. 4(c). The USMS shall personally serve process and a copy of this order upon Defendants pursuant to Rule 4 of the Federal Rules of Civil Procedure and 28 U.S.C. § 566(c).

3. Within fourteen days of service, the remaining Defendants shall file a response to Plaintiff's motion for injunctive relief for medical care and a medical diet. (D.I. 9).

4. No communication, including pleadings, briefs, statement of position, etc., will be considered by the court in this civil action unless the documents reflect proof of service upon the parties or their counsel.

5. Note: When an amended complaint is filed prior to service, the court will VACATE all previous Service Orders entered, and service will not take place. An amended complaint filed prior to service shall be subject to re-screening pursuant to 28 U.S.C. §1915(e)(2) and § 1915A(a).

6. Note: Discovery motions and motions for appointment of counsel filed prior to service will be dismissed without prejudice, with leave to refile following service.


UNITED STATES DISTRICT JUDGE