

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

THE PROVIDENT BANK,

Plaintiff,

v.

Case No: 2:15-cv-18-FtM-38CM

JOSEPH A. BORCI and REBECCA
A. BORCI,

Defendants.

ORDER

Before the Court is Plaintiff, The Provident Bank's, Motion for Clerk to Issue Second Summons for Amended Complaint (Doc. 11), filed on February 11, 2015. Plaintiff requests that the Court direct the Clerk to issue a second summons to Defendants Joseph A. and Rebecca Borci to be served with its Amended Complaint (Doc. 10), because although Defendants have not yet appeared, filed an answer or otherwise responded to Plaintiff's original Complaint (Doc. 1), the Amended Complaint contains new claims for relief and personal service therefore is required by Rules 4 and 5, Federal Rules of Civil Procedure. Doc. 11 at 1; *see* Fed. R. Civ. P. 4, 5(a)(2).

Although Plaintiff correctly states that personal service of the second summons and Amended Complaint is required by the Federal Rules of Civil Procedure, the Rules do not require that the Court issue an Order instructing the Clerk to issue a second summons. Instead, Plaintiff should request a second summons directly from the Clerk of Court.

ACCORDINGLY, it is hereby

ORDERED:

Plaintiff's Motion for Clerk to Issue Second Summons for Amended Complaint (Doc. 11) is **DENIED** to the extent that Plaintiff seeks a Court Order directing the Clerk to issue a second summons. This Order does not preclude the Clerk from issuing a second summons upon proper request by Plaintiff.

DONE and **ORDERED** in Fort Myers, Florida on this 17th day of February, 2015.


CAROL MIRANDO
United States Magistrate Judge

Copies:
Counsel of record