

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

MATTHEW WAYNE OXENDINE,

Plaintiff,

-vs-

Case No. 8:13-cv-426-T-30TGW

DEPUTY JARROD SNOW,

Defendant.

ORDER

The Court having previously granted leave to proceed *in forma pauperis* and having determined that the amended complaint (Dkt. 7) is not subject to dismissal pursuant to 28 U.S.C. § 1915, the amended complaint shall be served on the named Defendant.

Accordingly, the Court **ORDERS** that:

1. The **Clerk** shall send to Plaintiff each of the following forms. Plaintiff must complete each of the enclosed forms:

A. Notice of Lawsuit and Request for Waiver of Service of Summons

Plaintiff should fill in the names of the parties as shown on the first page of this order (___ v. ___), and fill in the Civil Action No. In the blank following the word "To", Plaintiff shall write the NAME AND ADDRESS of the Defendant to whom the notice is to be sent. THE FORM WILL BE RETURNED IF PLAINTIFF DOES NOT FILL IN THE DEFENDANT'S ADDRESS. In the blank where it states "you must return the signed waiver within ___ days", Plaintiff should write in "30." PLAINTIFF MUST SIGN THE NOTICE OF LAWSUIT AND

REQUEST FOR WAIVER OF SERVICE OF SUMMONS FORM. Plaintiff ***shall not*** fill in the date under the line that reads: “I certify that this request is being sent to you on the date below.”

B. Waiver of Service of Summons

Plaintiff should fill in the names of the parties as shown on the first page of this order (___ v. ___), and fill in the Civil Action No. Plaintiff should write his name in the blank following the word “To”. **Plaintiff shall not fill in any of the following lines on the form, and shall not sign the form.**

C. and D. Summons and Marshal’s forms (Form 285)

Plaintiff is required to fill in the name and address of Defendant in the appropriate spaces on the summons and Marshal’s forms. Plaintiff shall fill in “20” as the number of days allowed to answer. **PLAINTIFF MUST SIGN THE 285 FORMS. PLAINTIFF MUST SUBMIT 2 COPIES OF THE 285 FORM.**

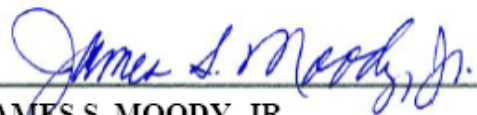
Plaintiff must then mail the completed forms and a copy of the amended complaint for Defendant to the Clerk’s Office. Plaintiff must provide: (1) one copy of the amended complaint; (2) two copies of the Notice of Lawsuit and Request for Waiver of Service of Summons; (3) two copies of the Waiver of Service of Summons; and (4) one copy of this order. The completed forms and the copy of the amended complaint must be returned to the Clerk’s Office within **TWENTY (20) DAYS¹** of the date of this Order. Failure to return the completed forms and copy of the amended complaint within this time period will result in

¹Plaintiff is cautioned that pursuant to Fed. R. Civ. P. 4(m), failure to perfect service within 120 days after the filing of the complaint without a showing of good cause for the delay may result in dismissal of the claims against the unserved defendant(s).

dismissal of the case for failure to prosecute, **without further notice**. Plaintiff's failure to provide the Court with properly completed documents necessary to effect service will render the Court unable to meet its responsibility pursuant to 28 U.S.C. § 1915(d) regarding service of process. The Court will then review the forms to determine whether they should be forwarded to the U.S. Marshal's Office to effect service.

2. Plaintiff shall advise the Court of any change of address. Failure to do so will result in the case being dismissed for failure to prosecute.

DONE and **ORDERED** in Tampa, Florida on April 17, 2013.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

SA:sfc
Copy to: *Pro se* Plaintiff