

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
GAINESVILLE DIVISION**

**GERALD E. BUTLER,**

**Plaintiff,**

vs.

**CASE NO. 1:07cv22-SPM-AK**

**JOHN E. POTTER, POSTMASTER  
GENERAL, UNITED STATES POSTAL  
SERVICE, and WILLIAM BURRUS,  
PRESIDENT, AMERICAN POSTAL  
WORKERS UNION,**

**Defendants.**

---

**ORDER DIRECTING SERVICE BY U.S. MARSHAL**

The Court previously granted Plaintiff's motion for assistance with service of process, and he has complied with the Court's order to provide a copy of the second amended complaint for service on Defendant William Burrus, President, American Postal Workers Union, as well as a physical address for said Defendant. Pursuant to Fed. R. Civ. P. 4(c)(3), this order directs service by the United States Marshal. Rule 4(c)(3) provides that upon the request of a plaintiff proceeding *in forma pauperis*, the Court "must" order that "service be made by a United States marshal or deputy marshal or by a person specially appointed by the Court."

Accordingly, it is hereby **ORDERED:**

1. The Clerk of Court is directed to send a copy of this order to the United States Marshal along with a service copy of the second amended complaint. Pursuant to FED. R. CIV. P. 4(c)(3), all costs of service shall be advanced by the United States.
2. The Marshal shall transmit one Form 1A (revised) waiver form to Plaintiff for

Defendant William Burrus, along with instructions. The instructions shall require Plaintiff to complete and return the form to the United States Marshal's office in Gainesville within twenty (20) days from the date of receipt thereof. Failure by Plaintiff to return the completed form within this time period may result in dismissal of Defendant Burrus from this case.

3. Pursuant to FED. R. CIV. P. 4(d), the United States Marshal shall then send this order, the copy of the second amended complaint, the completed Form 1A (revised), two copies of Form 1B (revised), and a prepaid means of compliance to Defendant William Burrus through first class mail. The Marshal shall mail the forms to Defendant as soon as possible so that service or waiver of service can be completed within 120 days from the date of entry of this order on the docket as contemplated by FED. R. CIV. P. 4(m).

4. If, after thirty (30) days from the mailing of the waiver of service forms and the complaint, Defendant has not returned the waiver of service forms (Form 1B (revised)), the Marshal shall obtain the summons from the Clerk and personally serve Defendant pursuant to FED. R. CIV. P. 4(e),(h). Upon completion of service, the Marshal shall file with the Clerk the return and a written statement of all costs incurred in making such personal service.

5. The Clerk shall refer this file to the undersigned if the waiver form is returned for insufficient address or for similar reason, if service on Defendant is returned unexecuted, or if the Marshal has filed a statement of costs incurred for making personal service.

**DONE AND ORDERED** this 13<sup>th</sup> day of January, 2010.

***s/ A. KORNBLUM***  
\_\_\_\_\_  
**ALLAN KORNBLUM**  
**UNITED STATES MAGISTRATE JUDGE**