

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

BRUCE RICH,

Plaintiff,

v.

CASE NO. 1:10-cv-00157-MP-GRJ

WALTER A MCNEIL, et al.,

Defendants.

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**SECOND ORDER DIRECTING SERVICE**

This matter is before the Court on Plaintiff's motion for a renewed order of service on Milton Hicks. (Doc. 30). A summons was returned unexecuted on Milton Hicks. (Doc. 22). The special process server at Union Correctional Institution, Stephanie Smith, advises that Milton Hicks is now employed at Madison Correctional Institution. Service will, therefore, be directed again upon Hicks at Madison Correctional Institution.

Accordingly, it is **ORDERED**:

1. Plaintiff's motion for renewed order of service on Milton Hicks, Doc. 30, is **GRANTED**. The Clerk shall issue a summons for **Milton Hicks, Warden, Madison Correctional Institution, 382 S. W. MCI Way, Madison, FL 32340**, indicating that Defendant has sixty (60) days in which to file a response to the complaint, and refer the summons to the United States Marshals Service, along with a service copy of Plaintiff's complaint.

2. The Clerk shall also prepare and send the Marshal a copy of this order for

each of the named Defendants.

3. Pursuant to Rule 4(c), Federal Rules of Civil Procedure, **Selena Schmidt** is specially appointed to serve process upon Defendant Hicks at the Madison Correctional Institution.

4. Within 30 days from the date of entry of this order on the docket, the United States Marshal or a Deputy United States Marshal shall serve a copy of the civil rights complaint, a summons, and this order upon Defendant. Service shall be accomplished **by mailing these documents by regular mail to the above named special process server who shall serve the complaint.** All costs of service shall be advanced by the United States.

5. Within 10 days after receipt of the complaint and this order, **Selena Schmidt** shall **serve the complaint upon the individual named above, complete** and **sign** the return of service, and **return** it to the Clerk of Court as proof of service. *Defendant shall also sign the return of service as an acknowledgment of receipt of service.*

6. If Defendant is no longer employed at the designated institution or facility, or is otherwise unable to be served, the server shall report this information to the Clerk of Court within 10 days after receipt of the complaint and this order. *If service is returned unexecuted, or if a return is not filed within forty-five (45) days from the date of this order, the Clerk of Court shall immediately notify Chambers.*

7. Defendant shall have 60 days in which to file a response to the complaint.

8. No motion for summary judgment shall be filed by any party prior to entry of an Initial Scheduling Order without permission of the Court.

9. Counsel for Defendant shall file a notice of appearance within twenty (20)

days of the date of service.

10. Plaintiff is advised that after a response to the complaint has been filed, no further amendments to the complaint shall be permitted by the Court unless, as required by Rule 15 of the Federal Rules of Civil Procedure, Plaintiff files a separate motion for leave to so amend and provides a copy of the proposed amended complaint. N.D. Fla. Loc. R. 15.1.

11. In accordance with 28 U.S.C. § 636(c)(2), the Clerk shall forward to Plaintiff a form for consenting to trial by the magistrate judge, with the case number written on it. If Plaintiff wishes to consent, the form should be signed and forwarded to counsel for Defendants. If Defendant wishes to consent, the form should be signed and returned to the Clerk.

12. After a notice of appearance has been filed, Plaintiff shall be required to mail to the attorney for each Defendant a copy of every pleading or other paper, including letters, submitted for consideration by the Court. Plaintiff shall include with each pleading, motion, or other paper to be filed with the Clerk of the Court a certificate stating the date an identical copy of the paper was mailed to each Defendant or to the attorney representing each Defendant. Any paper so submitted for filing that does not contain a "certificate of service" shall be returned by the Clerk and disregarded by the Court.

13. Plaintiff is reminded to keep the Clerk of Court advised of any change in his mailing address should he be transferred, released from prison, or otherwise be relocated. Failure to do so may result in the dismissal of Plaintiff's action for failure to

prosecute should court orders not be able to reach Plaintiff.

**DONE AND ORDERED** this 27<sup>th</sup> day of July, 2011.

*s/ Gary R. Jones*

GARY R. JONES  
United States Magistrate Judge