

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

ANTHONY L. NORWOOD,

Plaintiff,

v.

CASE NO. 1:11-cv-176-MP-GRJ

JEREMY YORK,

Defendant.

_____ /

ORDER

Pending before the Court is a letter from Plaintiff requesting that the Court remove Defendant Jeremy York of the Alachua County Sheriffs Office as a Defendant in this case because Plaintiff has learned through further investigation the the individual Plaintiff believes violated his constitutional rights is Gainesville Police Department Officer Andy J. Zawadzki, and not Jeremy York. Accordingly, Plaintiff asks the Court to accept for filing his Fourth Amended Complaint (Doc. 31) and requests that the Court order service on Officer Zawadzki and the Gainesville Police Department. Plaintiff alleges the City of Gainesville is liable because it failed to train officer Zawadzki. Accordingly, service of the Fourth Amended Complaint on Defendants shall now be ordered and the Defendants shall be required to respond.

Accordingly, it is **ORDERED** that:

1. The Clerk shall terminate Officer Jeremy York as a Defendant in this case.

The summons issued to Jeremy York (Doc. 29) is **QUASHED**.

2. The docket shall reflect that there are two Defendants in this action: Officer Andy J. Zawadzki, **employed at the Gainesville Police Department, 413 Northwest 8th Avenue, Gainesville, FL 32601**, and the City of Gainesville.

3. The clerk shall print copies of the Fourth Amended Complaint and shall complete the USM-285 forms and AO-398 and AO-399 forms for each Defendant.

4. The clerk shall issue a summons, indicating that each Defendant has **twenty-one (21)** days in which to file a response to the complaint, and refer the summons, a copy of this order, the service copies of the Fourth Amended Complaint, the completed USM-285 forms and the completed AO-398 and AO-399 forms, to the United States Marshals Service (USMS). Pursuant to Fed. R. Civ. P. 4(c)(2), all costs of service shall be advanced by the United States.

5. Pursuant to Rule 4(d) of the Federal Rules of Civil Procedure, the USMS shall send a copy of the Fourth Amended Complaint, a copy of this order, a completed AO-398 form and a copy thereof, a AO-399 form, and a prepaid means of compliance to each Defendant through first class mail. The USMS shall mail the forms to Defendants 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.

6. If after thirty (30) days from the mailing of the waiver of service forms and the complaint a Defendant has not returned the waiver of service form (AO-399 form), the USMS shall personally serve that Defendant pursuant to Rule 4(e) of the Federal Rules of Civil Procedure. Upon completion of service, the USMS shall file with the clerk the return and a written statement of all costs incurred of making such personal service.

7. 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 either Defendant is returned unexecuted, or if the USMS has filed a statement of costs incurred for making personal service.

8. Defendants shall have twenty-one (21) days in which to file a response to the Fourth Amended Complaint.

9. No motion for summary judgment shall be filed by any party prior to entry of an initial scheduling order without permission of the court.

10. Counsel for Defendants shall file a notice of appearance within twenty (20) days of the date of service of the Fourth Amended Complaint.

11. Once a response to the Fourth Amended Complaint is filed, no amendments to the Fourth Amended Complaint shall be permitted by the court unless, as required by Rule 15 of the Federal Rules, Plaintiff files a separate motion for leave to so amend and provides a copy of the proposed amended complaint.

12. After a response to the complaint has been filed by Defendants, Plaintiff shall be required to mail to the attorney for Defendants a copy of every pleading or other paper, including letters, submitted for consideration by the court. Plaintiff shall include with the original paper to be filed with the clerk of court a certificate of service stating the date a correct copy of the paper was mailed to Defendants or to the attorney representing Defendants. **Any paper submitted for filing after a response to the complaint has been filed by Defendants which does not contain a certificate of service shall be returned by the clerk and disregarded by the court.**

13. 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 he should sign the form and forward it to counsel for Defendants, who, if Defendants consents, shall return it to the clerk only if Defendants also consent.

14. 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 if court orders are not able to reach Plaintiff.

15. **In any event, the Clerk shall refer this file to the undersigned no later than June 22, 2012.**

DONE AND ORDERED this 2nd day of May 2012.

s/ Gary R. Jones

GARY R. JONES
United States Magistrate Judge