

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

BRANDON RICARDO SMITH,

Plaintiff,

vs.

Case No: 1:11-cv-226-MP-GRJ

WAL-MART STORES, INC.,

Defendant.

ORDER

This matter is before the Court on Plaintiff's complaint. (Doc. 1.) The Court has granted Plaintiff leave to proceed *in forma pauperis* and Plaintiff has provided a service copy of the complaint pursuant to this Court's order. (Doc. 4.) As a defendant, Plaintiff has named Wal-Mart Stores, Inc. Pursuant to FED. R. CIV. P. 4(c)(3), because the Court has granted Plaintiff's request for leave to proceed as a pauper, the Court will order the United States Marshal to serve the Defendant's registered agent in Florida under FED. R. CIV. P. 4(h)(1).

Accordingly, it is **ORDERED**:

1. The Clerk of Court is to complete a summons form and a USM 285 form for service upon Defendant's registered agent in Florida, CT Corporation System, at 1200 South Pine Island Road, Plantation, Florida, 33324. The Clerk is directed to send a copy of this order, a completed USM 285 form, a completed summons along with the service copy of the complaint to the United States Marshal. 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, 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 the Defendant from this case.

3. Pursuant to FED. R. CIV. P. 4(d), the United States Marshal shall then send this order, the service copy of the complaint, the completed Form 1A (revised), two copies of Form 1B (revised), and a prepaid means of compliance to Defendant's registered agent in Florida, CT Corporation System, at 1200 South Pine Island Road, Plantation, Florida, 33324, through first class mail. The Marshal shall mail the forms to Defendant's registered agent in Florida 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 the Defendant pursuant to FED. R. CIV. P. 4(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 25th day of October, 2011.

s/ Gary R. Jones

GARY R. JONES
United States Magistrate Judge