

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

TIMOTHY WILLIAMS,

Plaintiff,

vs.

CASE NO. 3:08CV358-LC/AK

WALTER MCNEIL, et al,

Defendants.

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SECOND ORDER DIRECTING SERVICE

Plaintiff, an inmate who is proceeding *pro se* and *in forma pauperis*, filed an amended civil rights complaint pursuant to 42 U.S.C. § 1983. (Doc. 27). The Court ordered that the amended complaint be served on the Defendants on September 17, 2009, (doc. 31), and documents were sent to Corey Brown, the designated process server at Santa Rosa CI, but the Florida DOC informed the United States Marshals Service by letter dated October 14, 2009, that ***Inmate*** Corey Brown could not be located. (See Doc. 35). The plaintiff inmate in this case is, of course, not Corey Brown, who is according to the Court's records the process server. Based on this error, the Court hereby re-directs the USMS to again attempt service on two of the defendants Warden Ellis and Dr. Collins as directed below.

Accordingly, it is

ORDERED:

1. The docket shall reflect that there are two Defendants in this action who remain to be served: **Warden Ellis, Santa Rosa Correctional Institution, 5850 East Milton Rd, Milton, Florida 32583; and Dr. D. Collin, Chief Medical Director, Santa Rosa Correctional Institution, 5850 East Milton Rd, Milton, Florida 32583.**

2. The Clerk shall issue summonses, indicating that Defendants have sixty (60) days in which to file a response to the complaint, and refer the summonses to the United States Marshals, along with the service copies of Plaintiff's complaint.

3. The Clerk shall also prepare and send the Marshal a copy of this order for each of the named Defendants.

4. Pursuant to Rule 4(c), Federal Rules of Civil Procedure, **Corey Brown** is specially appointed to serve process at Santa Rosa CI upon **Warden Ellis** and **Dr. D. Collin**.

5. 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 each Defendant. Service shall be accomplished **by mailing these documents by regular mail to the above named special process servers who shall serve the complaint.** All costs of service shall be advanced by the United States.

6. Within 10 days after receipt of the complaint and this order, **Debra Hix and Corey Brown**, shall **serve the complaint upon the individuals named above, complete** and **sign** the return of service, and **return** it to the Clerk of Court as proof of service. *Defendants shall also sign the return of service as an acknowledgment of receipt of service.*

7. If any 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.*

8. Defendants shall have 60 days in which to file a response to the 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.

11. 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.

12. 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 Defendants wish to consent, the form should be signed and returned to the Clerk.

13. 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.

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 should court orders not be able to reach Plaintiff.

DONE AND ORDERED on this the 12th day of November, 2009.

s/ A. KORNBLUM

ALLAN KORNBLUM
UNITED STATES MAGISTRATE JUDGE