

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

**THOMAS RODGERS,  
Plaintiff,**

**vs.**

**Case No. 3:08cv558/MCR/MD**

**WILSON'S TRUCKING,  
Defendant.**

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**O R D E R**

Plaintiff, proceeding *pro se* and *in forma pauperis*, has filed a complaint under Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17. (Doc. 1). The appropriate number of service copies have been provided. Service of the complaint shall therefore be ordered, and defendant shall be required to respond.

Accordingly, it is ORDERED:

1. The docket shall reflect that there is one defendant in this action: Wilson's Trucking.
2. The Clerk of Court is directed to send a copy of this order to the United States Marshals Service along with the service copy of the complaint. Pursuant to FED.R.CIV.P. 4(c)(2), all costs of service shall be advanced by the United States.
3. The Marshal shall transmit one AO-398 form to the plaintiff along with instructions. The instructions shall require plaintiff to complete and return the form to the United States Marshals Service 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 the dismissal of this case.
4. Pursuant to FED.R.CIV.P. 4(d), the United States Marshal shall then send the copy of the complaint, the completed AO-398 form, two copies of the AO-399 form, and a prepaid means of compliance to the defendant 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).

5. If after 30 days from the mailing of the waiver of service forms and the complaint the defendant has not returned the waiver of service form (AO-399 form), the Marshal shall obtain 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 of making such personal service.

6. 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 the defendant is returned unexecuted, or if the Marshal has filed a statement of costs incurred for making personal service.

7. After a response to the complaint has been filed by the defendant, plaintiff shall be required to mail to the attorney(s) for the defendant a copy of every pleading or other paper, including letters, submitted for consideration by the court. The plaintiff shall include with each original paper to be filed with the Clerk of Court a certificate stating the date a correct copy of the paper was mailed to the defendant or to the attorney representing the defendant. Any paper submitted for filing after a response to the complaint has been filed by the defendants which does not contain a certificate of service shall be returned by the Clerk and disregarded by the court.

8. In accordance with 28 U.S.C. § 636(c)(2), the clerk shall forward to the plaintiff a form for consenting to trial by the magistrate judge, with this case number written on it. If plaintiff wishes to consent he should sign the form and forward it to counsel for the defendant, who shall return it to the Clerk only if defendant consents.

DONE AND ORDERED this 8<sup>th</sup> day of January, 2009.

/s/ *Miles Davis*

**MILES DAVIS  
UNITED STATES MAGISTRATE JUDGE**