

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

**DERRICK ALLEN,**

**Plaintiff,**

**vs.**

**CASE NO. 4:07CV469-RH/AK**

**JAMES MCDONOUGH, et al,**

**Defendants.**

\_\_\_\_\_ /

**ORDER**

The Court has received the missing pages of the amended complaint (doc. 43) and the pleading is now ready to be served upon the defendants. These pages were not filed previously, despite Plaintiff's claim to the contrary.

Plaintiff lists the address for James McDonough, former secretary of the DOC, at Central Office, and an attempt to serve him at that address will be made, although he is no longer employed with the DOC. This order includes a directive to inform the Clerk of any address information about McDonough.

Accordingly, it is

**ORDERED:**

1. The docket shall reflect that there are twelve named Defendants in this action:

**James McDonough, Central Office, 2601 Blair Stone Rd., Tallahassee, Florida**

**32399;and Rick Schlaf, J. Long, Michael Fordham, Captain Murray, Sergeant**

**Austin, R. Harden, R. Segree, Sergeant Hires, M. B. Stratton, K. Hollenbeck, and**

**R. Millender, all employees at Franklin Correctional Institution, 1760 Hwy 67 North, Carrabelle, Florida 32322.**

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, **Debra Hix** is specially appointed to serve process upon defendants at Central Office. **The Court is aware that McDonough is no longer employed with the FDOC and Ms. Hix shall report to the Clerk of Court within 10 days after receipt of the complaint and this order if she knows of McDonough's current address, which shall be kept confidential.** **Ricky Cloud**, is specially appointed to serve process upon the Defendants at Franklin CI.

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 server 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 Ricky Cloud**, shall **serve the complaint upon the individuals named above,**

**No. 4:07cv469-RH/AK**

**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 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 thirty (30) 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 28<sup>th</sup> day of January, 2008.

***s/ A. KORNBLUM***  
\_\_\_\_\_  
**ALLAN KORNBLUM**  
**UNITED STATES MAGISTRATE JUDGE**