

**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.

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ORDER

The Court was previously notified that the following persons are not employed at Franklin CI: **Sgt. Hires, Captain Murray, and M.B. Stratton**. Plaintiff was advised of this and has responded that the names are correct and these three persons were employed at Franklin Correctional Institution during the relevant time period (July, August and September 2006) when the events described in the complaint allegedly occurred. (Doc. 62). Plaintiff has also provided additional identifying information such as Sgt. Hires' nickname (Hiphop Honkie), Stratton's badge number (SMD06), and that Captain Murray "authorized" (perhaps signed) the disciplinary report prepared by Michael Fordham. It is unlikely that this information will aid in their identification and location for service. However, the Court finds that because service is being attempted on the other defendants and a notice of appearance on their behalf may soon be filed,

the better course is to wait for counsel to make an appearance and seek assistance at that time in obtaining their full names and possible current work locations for service.

Accordingly, it is

ORDERED:

Plaintiff's Notice (doc. 62) is duly noted and once discovery has begun Plaintiff shall serve discovery requests upon the Defendants for further identifying information about these persons so that they may be served. Plaintiff will be advised when discovery will commence by a scheduling order which will be entered after an answer has been filed on behalf of the Defendants who have been served.

DONE AND ORDERED on this the 10th day of March, 2009.

s/ A. KORNBLUM

ALLAN KORNBLUM
UNITED STATES MAGISTRATE JUDGE