

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

HAROLD HEMPSTEAD,

Plaintiff,

vs.

CASE NO. 4:07cv513-RH/AK

COLONEL DUDLEY, et al,

Defendants.

_____ /

ORDER

Plaintiff, an inmate proceeding *pro se*, has filed a fifth amended complaint. (Doc. 64). The pleading has been reviewed as is required by 28 U.S.C. § 1915A and is deemed sufficient to alert Defendants to the nature and basis of Plaintiff's claims. It cannot be said upon this review of the amended complaint that Plaintiff has failed to state a claim upon which relief may be granted. Thus, service of the amended complaint should be directed.

At this point, Plaintiff must submit service copies of the fifth amended complaint. Under Fed. R. Civ. P. 4(c)(1), a copy of the amended complaint for each named Defendant is necessary to effect service and must be submitted by Plaintiff. As Plaintiff has named nine (9) Defendants in this action, Plaintiff must provide the Court with nine additional copies of the amended complaint that are identical to the amended complaint, doc. 64, filed with the Court. After Plaintiff learns of the names of the three John Doe

defendants during discovery, the Court will direct that service be attempted on these defendants as well.

Accordingly, it is

ORDERED:

1. Plaintiff shall have until March 13, 2009, to provide the Court with nine (9) identical copies of his fifth amended complaint for service on the Defendants.

2. **Failure to submit the service copies as directed will result in a recommendation of the dismissal of this action.**

DONE AND ORDERED this 23rd day of February, 2009.

s/ A Kornblum
ALLAN KORNBLUM
UNITED STATES MAGISTRATE JUDGE