

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

PROPHET PAULCIN,

Plaintiff,

vs.

Case No. 4:08CV418-SPM/AK

WALTER MCNEIL, et al,

Defendants.

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SECOND ORDER DIRECTING SERVICE

Plaintiff's Second Amended Complaint (doc. 13) was previously reviewed pursuant to 28 U.S.C. § 1915A and service was directed on March 31, 2009. (Doc. 16). Service was returned unexecuted on Defendants T.L. Gilliam, J. A. Barfield, and T. Sims because they are now employed at other correctional institutions. (Doc. 20). The Court will herein re-direct service of the complaint on these Defendants at their new places of employment.

Accordingly, it is

ORDERED:

1. The clerk shall re-issue summonses for Defendants T. L. Gilliam, employed at Wakulla Correctional Institution, J. A. Barfield, employed at Apalachee Correctional Institution, and T. Sims, employed at Calhoun Correctional Institution,

indicating that Defendants have sixty (60) days in which to file a response to the complaint.

2. The clerk shall refer the summons for each of these Defendants to the United States Marshal along with three copies of this order and three service copies of the Second Amended Complaint (doc. 13).

3. Pursuant to Rule 4(c), Federal Rules of Civil Procedure, Henry Boyd is specially appointed to serve process upon Defendant Gilliam at Wakulla CI, 110 Melaleuca Drive, Crawfordville, FL 32327; Rebecca Mitchell is specially appointed to serve process upon Defendant Barfield at Apalachee CI, 35 Apalachee Drive, Sneads, FL 32460; and Richard Biss is specially appointed to serve process upon Defendant Sims at Calhoun CI, 19562 SE Institution Drive, Blountstown, FL 32424.

4. Within thirty (30) days from the date of docketing of this order, the United States Marshal or a Deputy United States Marshal shall serve a copy of the Second Amended Complaint and this order upon Defendants. Service shall be accomplished by mailing these documents by regular mail to the respective special process servers, who shall serve the complaint. All costs of service shall be advanced by the United States.

5. Within ten (10) days after receipt of the complaint and this order, the servers shall serve the Second Amended Complaint upon Defendants, complete and **sign** the returns of service, and **return** them to the clerk of court as proof of service. Defendants shall also sign the respective return of service as an acknowledgment of receipt of service.

6. Within ten (10) days after receipt of the complaint and this order, if any Defendant is no longer employed at the office or institution, the server shall report this information to the clerk of court.

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 shall immediately refer the file to the undersigned.

8. Defendants shall have sixty (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 Defendantss shall file a notice of appearance within twenty (20) days of the date of service of the complaint.

11. Once a response to the complaint is filed, no amendments to the complaint shall be permitted by the court unless, as required by Rule 15 of the Federal Rules, Plaintiff files a separate motion for leave to so amend and provides a copy of the proposed amended complaint.

12. After a response to the complaint has been filed by a Defendant, Plaintiff shall be required to mail to the attorney for that Defendant a copy of every pleading or other paper, including letters, submitted for consideration by the court. Plaintiff shall include with the original paper to be filed with the clerk of court a certificate of service stating the date a correct copy of the paper was mailed to Defendant or to the attorney representing Defendant. **Any paper submitted for filing after a response to the complaint has been filed by a Defendant which does not contain a certificate of service shall be returned by the clerk and disregarded by the court.**

13. In any event, the Clerk shall refer this file to the undersigned forty-five (45) days from the date of this order.

DONE AND ORDERED this 5th day of May, 2009.

s/ A. KORNBLUM

ALLAN KORNBLUM
UNITED STATES MAGISTRATE JUDGE