

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

HARRY MICHAEL WRIGHT,

Plaintiff,

v.

CASE NO. 4:10-cv-474-SPM-GRJ

MORRIS YOUNG, et al.,

Defendants.

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**ORDER**

Before the Court for screening is Plaintiff's First Amended Complaint. (Doc. 9.) The Court has screened the First Amended Complaint pursuant to 28 U.S.C. § 1916 and determines the First Amended Complaint adequately states a claim against each Defendant. The Court will therefore order service to be performed.

Plaintiff paid the full filing fee when he initiated this lawsuit and, because he is not proceeding *in forma pauperis*, he is responsible for serving the First Amended Complaint upon each Defendant. It is the Court's practice, when a *pro se* plaintiff is responsible for service, to mail the Plaintiff a copy of Fed. R. Civ. P. 4 governing service, with the forms necessary for service.

There are two ways to serve a Defendant, either through personal service (formal service), which means delivering a copy of the First Amended Complaint and summons to the Defendants, or by requesting the Defendants waive formal service. The waiver of service is the most cost effective means of serving a Defendant.

Pursuant to Rule 4(e), to effect formal service of process, the Defendants must each be personally delivered a copy of the complaint and a summons that will be

issued to Plaintiff by the Clerk of this court. The forms will be sent to Plaintiff in blank, but he must complete the names and addresses and return them before the Clerk will sign and issue them. Such personal delivery may be made by anyone who is at least 18 years of age and is not a party to this action.

Plaintiff is further advised Fed. R. Civ. P. 4(c)(3) provides “[a]t the Plaintiff’s request, the court may order that service be made by a United States marshal or deputy marshal or by a person specially appointed by the court.” Plaintiff has not requested the Court appoint the United States Marshal to perform service of process on each Defendant. To the extent Plaintiff wishes the Court to do so, he must file a written request for such an appointment with the Clerk of Court.

Accordingly, it is hereby **ORDERED**:

1. The Clerk shall forward to Plaintiff a copy of Fed. R. Civ. P. 4, 5 blank summonses and 5 copies of Form 1A so Plaintiff may request the Defendants to waive formal service, if applicable.

2. If Plaintiff elects to attempt formal service, he shall complete each summons and return to the Clerk on or before **September 30, 2011**. If the summons are completed and returned, the Clerk shall issue summons for each Defendant indicating the Defendant has sixty (60) days to respond to the First Amended Complaint.

3. Plaintiff is granted an extension of time through **October 31, 2011**, to serve Defendants. Failure to timely serve Defendants by this date will result in a recommendation to the District Judge that the case be dismissed.

4. After a response to the First Amended Complaint has been filed by a Defendant, Plaintiff is required to mail to the attorney for the Defendants a copy of

every pleading or other paper, including letters, submitted for consideration by the Court. Plaintiff must include with the original paper to be filed with the Clerk of Court a certificate of service which states the date a correct copy of the paper was mailed to the Defendants or the attorney representing the Defendants. 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.

**DONE AND ORDERED** this 9<sup>th</sup> day of September, 2011.

*s/ Gary R. Jones*

GARY R. JONES  
United States Magistrate Judge