

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

MOLIERE DIMANCHE, JR.

Plaintiff,

vs.

Case No: 4:12-cv-267-SPM-GRJ

P.K. JOHNSON, et al.,

Defendants.

**ORDER OF SPECIAL APPOINTMENT; SERVICE OF PROCESS
UPON DEFENDANTS; AND NOTICE TO PLAINTIFF**

This case is before the Court on Doc. 7, Plaintiff's Amended Complaint. Plaintiff has been granted leave to proceed as a pauper by separate order (Doc. 6) and the allegations against 5 of the 12 Defendants are deemed sufficient to alert these Defendants to the nature and basis of Plaintiff's claims. This Order directs service of the Amended Complaint (hereafter "the Complaint") on Plaintiff's behalf. The Complaint is to be served only on Defendants Johnson, Poynter, Seago, Young, and Kelley. A separate Report and Recommendation has been entered recommending dismissal of all claims against the remaining Defendants (Bearden, Hicks, West, Parker, Andrews, Solano, and Bowden). (Doc. 7.) The Clerk is directed to terminate any remaining Defendants named in the first complaint (Doc. 1) but not in the Amended Complaint (Doc. 7) to the extent this has not already been done.

Accordingly, it is **ORDERED**:

1. The Clerk shall print five service copies of the Complaint and prepare and issue the summonses, indicating that Defendants have **sixty (60) days following**

service in which to file a response to the Complaint, and shall refer the summons to the United States Marshal, along with the service copies of Plaintiff's Complaint (Doc. 7) and this Order.

2. Pursuant to Rule 4(c), Federal Rules of Civil Procedure, **Sharlot Keen** is specially appointed to serve process upon Defendants **Officer P.K. Johnson, Colonel Tamera Poynter, Lt. K. Seago, Assistant Warden Glenn Young, and Grievance Coordinator Sheila Kelley** at Madison Correctional Institution, a facility within the Florida Department of Corrections. In the absence of **Sharlot Keen**, the specially appointed process server designated above, **Margaret Pittman** is designated as an alternate server and shall comply with this Order as though issued in his name.

3. **Within 10 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, a summons, and this Order upon the Defendants. Service shall be accomplished **by mailing these documents by regular mail to the above named special process servers who shall serve the Complaint.** All costs of service shall be advanced by the United States.

4. **Within 10 days** after receipt of the complaint and this order, **Sharlot Keen** shall **serve the Complaint upon the individuals at Madison Correctional Institution named above, complete and sign** the return of service, and **return** it to the Clerk of Court as proof of service. **Defendants shall each also sign the return of service as an acknowledgment of receipt of service.**

5. If any of the Defendants is no longer employed at the designated institution or facility, or are otherwise unable to be served, the server shall report this information to the Clerk of Court **within 10 days** after receipt of the Complaint and this Order. **If service is returned unexecuted, or if a return is not filed within twenty (20) days from the date of this order, the Clerk of Court shall immediately notify Chambers.**

6. Defendants shall have **60 days after service** in which to file a response to the Complaint.

7. No motion for summary judgment shall be filed by any party prior to entry of an Initial Scheduling Order without permission of the Court.

8. Counsel for Defendants shall file a notice of appearance **within 10 days** of the date of service.

9. 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.

10. 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 the Defendants wish to consent, the form should be signed and returned to the Clerk.

11. After a notice of appearance has been filed, Plaintiff shall be 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 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 the attorney representing the Defendants. 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.

12. 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.

13. The Clerk of Court shall return this file to the undersigned **no later than March 5, 2013.**

DONE AND ORDERED this 5th day of December 2012.

s/ Gary R. Jones

GARY R. JONES
United States Magistrate Judge