

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.

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**ORDER**

This case is before the Court on Doc 16, unexecuted summonses for Defendants Tamera Poynter and K. Seago. Defendant Poynter's summons was returned with a notation that Defendant Poynter is no longer employed at Madison Correctional Institution but is now employed Polk C.I. Defendant Seago's summons was returned with a notation that she has retired. Because both Defendants remain to be served, the Court will direct that Defendant Poynter be served at Polk C.I. and will direct the Florida Department of Corrections to notify the Court whether there is a forwarding address for Defendant Seago and, if so, to provide that address in confidence to the United States Marshals Service ("USMS").

Accordingly, it is hereby **ORDERED**:

1. The Clerk shall issue summonses for Defendants Poynter and Seago indicating each has 60 days in which to file a response to the amended complaint.
2. Pursuant to Rule 4(c), Federal Rules of Civil Procedure, **Richard Grover** is specially appointed to serve process upon Defendant **Tamera Poynter** at Polk C.I., a facility within the Florida Department of Corrections located at **10800 Evans Road, Polk City, Florida, 33868**. In the absence of **Richard Grover**, the specially appointed process server designated above, **Tina Roberts** is designated as an alternate server and shall

comply with this Order as though issued in her name.

3. The Clerk shall refer the summons prepared for Tamera Poynter to the United States Marshal, along with a copy of Plaintiff's First Amended Complaint (Doc. 7) and this Order.
4. **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 Amended Complaint, a summons, and this Order upon Defendant Poynter. Service shall be accomplished **by mailing these documents by regular mail to the above named special process server who shall serve the Complaint.** All costs of service shall be advanced by the United States.
5. **Within 10 days** after receipt of the complaint and this order, **Richard Grover** shall **serve the Amended Complaint upon Tamera Poynter, complete and sign** the return of service, and **return** it to the Clerk of Court as proof of service. **Defendant Tamera Poynter shall also sign the return of service as an acknowledgment of receipt of service.**
6. The **Clerk** shall send the summons for Defendant K. Seago, a copy of this order, and a copy of the Amended Complaint (Doc. 7), to Jennifer Parker, General Counsel for the Department of Corrections, 501 S. Calhoun Street, Tallahassee, FL 32399-2500.
7. The Office of the General Counsel for the Department of Corrections shall have **thirty (30) days** from the date of this Order within which to: (1) inform the USMS office in Gainesville in confidence of the last known address of Defendant K. Seago; or (2) enter an appearance on behalf of Defendant Seago; or (3) advise the Court that neither alternative is possible. If the address is provided to the USMS, the General Counsel shall file an appropriate notice with the Court. **In such event, General Counsel shall also forward to the USMS the copy of this order, the summons, and the service copy of the Amended Complaint. The USMS shall protect the confidentiality of any address provided by the Department of Corrections as required by Florida law, and shall not disclose any such information on any document filed with the Court.** Upon the filing of such notice, the Court will issue further instructions for service of process.

**DONE AND ORDERED** this 24<sup>th</sup> day of January 2013.

*s/ Gary R. Jones*

GARY R. JONES  
United States Magistrate Judge