

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
PANAMA CITY DIVISION

RUBEN C. FERNANDEZ-OLIVARES,  
Plaintiff,

vs.

5:10cv55/RS/MD

PMI EMPLOYEE LEASING, INC..  
Defendants.

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**ORDER**

This case is before the court upon plaintiff's filing of a complaint pursuant to Title VII of the Civil Rights Act of 1964, and Title 42 U.S.C. § 1983. Plaintiff has paid the \$350.00 filing fee in this case. Plaintiff is informed that it is his responsibility to formally serve the complaint so that defendant may be given an opportunity to respond to the plaintiff's allegations. The clerk shall be directed to issue summons so that plaintiff may effect service. Plaintiff should review **Federal Rule of Civil Procedure 4** which governs the issuance of summons, use of waiver of service forms, and sets forth the requirements for service of process. In particular, he should review Fed.R.Civ.P. 4(d) and 4(h). Plaintiff will be provided with both a summons and the forms for waiver of service so he may proceed under whichever provision he chooses.

Plaintiff is further informed that although some latitude is afforded pro se litigants, he should endeavor to serve the summons and complaint within 120 days from the date of filing the complaint, or the cause may be dismissed. See FED.R.CIV.P. 4(m).

Accordingly, it is ORDERED:

1.The clerk of court shall forthwith issue a summons for the defendant PMI Employee Leasing and deliver the summons to plaintiff, who shall be responsible for prompt service of the summons and amended complaint on the defendant. The clerk shall

also forward to plaintiff a copy of the forms AO-398 and AO-399 in the event plaintiff elects to serve the complaint under Fed. R. Civ. P. 4(d) (waiver of formal service).

2. After a response to the complaint has been filed by the defendant, the plaintiff shall be required to mail to the attorney for the defendant a copy of every pleading or other paper submitted by him for consideration by the court. The plaintiff shall include with each 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 defendant or to the attorney representing the defendant. Any paper submitted for filing after a response to the complaint has been filed by any defendant which does not contain a "certificate of service" shall be returned by the clerk and disregarded by the court.

3. In accordance with 28 U.S.C. § 636(c)(2), the clerk shall forward to the plaintiff a form for consenting to trial by the magistrate judge, with the case number written on it. If plaintiff wishes to consent he should sign the form and forward it to counsel for the defendant, who shall return it to the clerk only if defendant consents.

DONE AND ORDERED this 13<sup>TH</sup> day of April, 2010.

/s/ *Miles Davis*

**MILES DAVIS  
UNITED STATES MAGISTRATE JUDGE**