

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

DWIGHT J PORTER,

Plaintiff,

v.

CASE NO. 5:10-cv-00206-RS-GRJ

BAXTER, et al,

Defendants.

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ORDER

Service was returned un-executed on Defendants Colonel Baxter (Doc. 28) and Captain Tyson. (Doc. 29). The complaint, summons and waiver for Colonel Baxter was returned to the United States Marshals Service marked "RTS not here" with no forwarding information. (Doc. 28). The papers were returned for Captain Tyson after being forwarded from Graceville Work Camp to Graceville Correctional Facility with the notation from Graceville CF, "this was forward to our facility by mistake. I think this should have went to Graceville Work Camp not Graceville Correctional Fac. And they forward to us." (Doc. 29).

The Court currently has no listed special process server for either of these facilities, which are operated by Corrections Corporation of America. Typically, when service attempts upon employees of the Florida Department of Corrections are unsuccessful the special process servers at the various institutions provide the Court with forwarding work address information, if the persons are still employed with the DOC. If additional service problems arise, the Court requests the assistance of counsel for the FDOC to provide home or other addresses for service of process which are filed

under seal and kept confidential.

In the present case, counsel has entered an appearance on behalf of Defendant Simmons (Doc. 31), and the Court requests similar assistance from counsel in locating Baxter and Tyson, who may or may not be employed at one of the Graceville facilities-- Graceville Correctional Facility, 5168 Ezell Road, Graceville, Florida 32440 or Graceville Work Camp, 5230 Ezell Road, Graceville, Florida 32440. If these persons are not employed at either correctional facility and their home addresses are provided, the addresses will remain confidential. The Court requests this information to allow for a joint response by all the named defendants to the Third Amended Complaint, if possible, and to avoid further delays in service should Plaintiff be required to seek this information through a formal discovery process.

Accordingly, it is

ORDERED:

That counsel for Defendant Simmons, having entered an appearance in this matter, is requested to provide to the Court within twenty days either the current work or home address for Defendants Baxter and Tyson by filing a Notice under seal in this case. The Notice should be filed with the Clerk of Court and be clearly marked in the style of the case "**TO BE FILED UNDER SEAL,**" with this Order attached. The address will be kept confidential and forwarded by the Court for service upon Defendants by the United States Marshal.

DONE AND ORDERED this 25th day of February, 2011.

s/ Gary R. Jones
GARY R. JONES
United States Magistrate Judge