

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

HENRY WILLIAMS

Plaintiff,

vs.

Case No: 5:11-cv-378-MP-GRJ

CULPEPPER et al.,

Defendants.

ORDER

This case is before the Court on Doc. 5, a *pro se* first amended complaint pursuant to 28 U.S.C. § 1983. The allegations against Defendants have been deemed sufficient to state a claim and alert the Defendants to the nature and basis of Plaintiff's claim. This Order directs service of the First Amended Complaint on Plaintiff's behalf.

Accordingly, it is **ORDERED**:

1. The Clerk shall prepare and issue summonses, indicating that Defendants have **twenty-one (21) days following service** in which to file a response to the First Amended Complaint, and shall refer the summonses to the United States Marshal, along with two copies of Plaintiff's First Amended Complaint (Doc. 5).

2. Pursuant to Rule 4(c), Federal Rules of Civil Procedure, **Rebecca Mitchell** is specially appointed to serve process upon Defendants **Warden Culpepper, Sgt.**

Simmons, and Sgt. Sinclair at the Apalachee Correctional Institution, a facility within the Florida Department of Corrections. In the absence of **Rebecca Mitchell**, the specially appointed process server designated above, **Melissa Varn** is designated as an alternate server and shall comply with this Order as though issued in her 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 First Amended Complaint, 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 server who shall serve the First Amended Complaint.** All costs of service shall be advanced by the United States.

4. **Within 10 days** after receipt of the complaint and this order, **Rebecca Mitchell** shall **serve the First Amended Complaint upon the individuals named above, complete and sign** the return of service, and **return** it to the Clerk of Court as proof of service. **Defendants shall also sign the return of service as an acknowledgment of receipt of service.**

5. If the Defendants are 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 **21 days after service** in which to file a response to the First Amended 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 First Amended Complaint has been filed, no further amendments to the First Amended 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 12, 2012.**

DONE AND ORDERED this 25th day of January 2012.

s/ Gary R. Jones

GARY R. JONES
United States Magistrate Judge