

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

WARREN OLIVER,

Plaintiff,

v.

5:13cv209-WS/GRJ

ADAMS, et al.,

Defendant.

ORDER ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

Before the court is the magistrate judge's report and recommendation (doc. 44) docketed March 18, 2014. The magistrate judge recommends that Roosevelt Hadley be dismissed from this action without prejudice for failure to effect timely service of process. The plaintiff, Warren Oliver, has filed objections (doc. 51) to the report and recommendation.

The United States Marshal has twice attempted to serve Hadley without success, and Oliver now complains that he does not have the resources to locate Roosevelt Hadley. Although a pro se civil litigant is entitled to assistance with

service from court personnel and the United States Marshal, "[i]t is highly questionable that either court staff or employees of the [United States Marshals Service] have a duty to mount an extensive search for and locate a defendant in a civil case for personal service when a plaintiff has failed to provide an address or other sufficient information for service." Leek v. Thomas, No. 09-3036-SAC, 2009 WL 2876352, at *2 (D. Kan. Sept. 2, 2009). If the Marshals Service is "unable to effectuate service . . . with the information . . . provided, the onus remains upon plaintiff to discover and submit sufficient information for service of all defendants he has named in [his] lawsuit." Id. at *3. Neither the court nor the Marshals Service is required "to be a private investigator for civil litigants or to use software available only to law enforcement officers to discover addresses for defendants whose whereabouts are not discoverable through public records." Id.

Because this court agrees with the recommendation of the magistrate judge, it is ORDERED:

1. The magistrate judge's report and recommendation (doc. 44) is hereby ADOPTED and incorporated by reference into this order.
2. All claims against the defendant, Roosevelt Hadley, are DISMISSED WITHOUT PREJUDICE for failure to effect timely service of process pursuant to Fed. R. Civ. P. 4(m).

DONE AND ORDERED this 21st day of April, 2014.

s/ William Stafford

WILLIAM STAFFORD
SENIOR UNITED STATES DISTRICT JUDGE