

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 16-62499-CIV-COHN/SELTZER

COREY DAVIS,

Plaintiff,

vs.

SHAMERE MCKENZIE, SUN GATE
FOUNDATION, PUBLIC BROADCASTING
SERVICE, HANNAH PERRY,Defendants.

ORDER

THIS CAUSE has come before the Court upon the District Court's Order re: Report of Magistrate Judge [DE 56] in which the District Court declined to adopt the undersigned's recommendation [DE49] that Plaintiff's claims against Shamere McKenzie and Sun Gate Foundation be dismissed for failure to timely serve those Defendants in accordance with Fed. R. Civ. P. 4(m). The District Court re-referred the matter to the undersigned for disposition of Plaintiff's claims against Defendants McKenzie and Sun Gate Foundation.

To date, Plaintiff has not successfully served either Defendant. The United States Marshal Service has returned the summons to McKenzie un-executed [DE 38], as the address listed on the summons does not exist. Although the Marshal has not yet returned a proof of service upon Sun Gate Foundation, a review of the docket sheet reveals that the summons issued to Sun Gate Foundation improperly listed a Virginia Post Office box number for receipt of service [DE 25]. Accordingly, the undersigned can reasonably assume that Plaintiff has not yet been successful in serving Sun Gate Foundation.

In accordance with the Order of the District Court, Plaintiff is entitled to additional

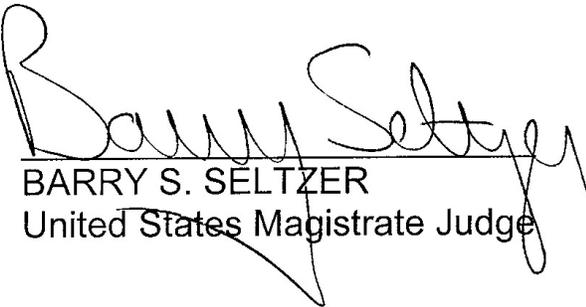
time to provide the United States Marshal with proper addresses for Shamere McKenzie and Sun Gate Foundation so that service of process can be made. Therefore, it is hereby

ORDERED AND ADJUDGED as follows:

1. Within sixty (60) days from the date of this Order, Plaintiff shall file with the Clerk of the Court amended summonses addressed to Shamere McKenzie and Sun Gate Foundation. The Clerk of the Court shall promptly issue the summonses.

2. Once issued, the United States Marshal Service shall serve the Defendants with the Summonses and a copy of the Complaint. Proof of service (or an affidavit of non-service) shall thereafter be filed by the Marshal Service as soon as reasonably practicable.

DONE AND ORDERED in Chambers, Fort Lauderdale, Florida, this 19th day of September 2017.


BARRY S. SELTZER
United States Magistrate Judge

Copies to:

Counsel via CM/ECF
United States Marshal Service

and by U.S. Mail to:

Corey Davis
42898-053
Federal Correctional Institute McKean
Inmate Mail/Parcels
PO Box 8000
Bradford PA 16701