

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA

DUBLIN DIVISION

MITCHELL LUDY, )  
)  
Plaintiff, )  
)  
v. )  
)  
SHAWN EMMONS, Warden; DEANNE )  
MORRIS, Health Service Administrator, )  
Ga. Regent Health System; CHERIE PRICE, )  
Deputy Warden; MITZI HALL, Director of )  
Nursing, Ga. Regent Health System, WESLEY )  
O'NEAL, Unit Manager; MS. BYRD, )  
Correctional Officer; MS. PULLINS, Nurse; )  
JASON HURST, Cert. Officer; LARRY )  
TIMMONS, Cert. Officer; LAKEISHA )  
SMITH, Cert. Officer; JAMIE CLARK, )  
Deputy Warden Administration; MS. )  
CLAXTON, Nurse; MS. ROGERS, Nurse; )  
MR. BRYAN JR., Nurse; and JOHN and )  
JANE DOES, Doctors, )  
)  
Defendants. )

CV 316-065

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**ORDER**

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*Pro se* Plaintiff, formerly incarcerated at Johnson State Prison (“JSP”) in Wrightsville, Georgia, filed the above-captioned case pursuant to 42 U.S.C. § 1983. Because Plaintiff is proceeding *in forma pauperis* (“IFP”), he is entitled to rely upon Court-designated officials to effect service of process. Fed. R. Civ. P. 4(c)(3).

On March 20, 2017, the Court directed the United States Marshal to serve Defendants with the complaint and summons for claims of retaliatory punishment and deliberate

indifference. (Doc. no. 25, pp. 4-5.) The Court explained to Plaintiff that it was his responsibility to provide sufficient information for the Marshal to identify and locate Defendants to timely effect service within 90 days of the Court's March 20th Order. (Id. at 5 (citing Fed. R. Civ. P. 4(m)). The Court also informed Plaintiff that any Defendant not timely served within this 90-day period may be dismissed. (Id.)

The Marshal attempted to effect service upon Doctors John and Jane Does, but was unable to do so. Based on Plaintiff's amended complaint, they were able to identify Nurse Practitioner Pamela Lindsey and Physician's Assistant Annie Bodie as having prescribed Plaintiff with an inhaler during his time at JSP, but were unable to verify the John and Jane Doe physicians to sue.<sup>1</sup> (See Exhibit A; doc. no. 28.)

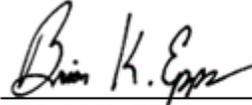
Accordingly, consistent with this Court's March 20th Order, Plaintiff must either provide enough specific information to adequately identify these defendants, file an amended complaint to correct the name of these defendants with correct identifying contact information, or file a voluntary dismissal of these defendants. Plaintiff is again warned that Defendants must be served within the 90-day service period or the claims against them will be dismissed without

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<sup>1</sup>The **CLERK** is **DIRECTED** to attach the return of service, (doc. no. 28), to Plaintiff's copy of this Order as Exhibit A.

prejudice.

SO ORDERED this 11th day of April, 2017, at Augusta, Georgia.

A handwritten signature in black ink, reading "Brian K. Epps". The signature is written in a cursive style with a horizontal line underneath it.

BRIAN K. EPPS  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA