

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

MILTON ROSS,)	
)	
Plaintiff,)	
)	
v.)	CV419-201
)	
DR. OLATUNJI AWE, <i>et al.</i> ,)	
)	
Defendants.)	


ORDER

This case was filed on August 16, 2019. Doc. 1. Plaintiff sought leave to proceed *in forma pauperis* (“IFP”), doc. 4, but that was denied, doc. 6. The Court previously informed the plaintiff that since he was not proceeding IFP, he was obligated to either file proof of service or provide defendants’ consent to waiver of service. Doc. 17. Plaintiff attempted to comply with this requirement, doc. 19, and has indicated that he, himself, has served the defendants with a copy of various pleadings. However, Fed. R. Civ. P. 4 requires service to be executed by “[a]ny person who is at least 18 years old and not a party.” Fed. R. Civ. P. 4(c)(2). Thus, the plaintiff’s filing is insufficient to comply with either Rule 4 or the Court’s order.

However, given plaintiff’s *pro se* status and the Court’s reliance on his assertion in its Order denying his request for marshal service, doc. 21, plaintiff

may have misunderstood the need for further proofs of service, *see* Fed. R. Civ. P. 4(l). Accordingly, the Court will grant plaintiff one additional opportunity to properly effect service in compliance with Rule 4. Plaintiff shall have **forty-five days** from the date of this Order to either file proof of service in compliance with Rule 4 or defendants' consent to waive service. As the Court has previously indicated, free copies of the *Summons in a Civil Case* (AO 440), *Notice of Lawsuit and Request to Waive Service of a Summons* (AO 398), and *Waiver of the Service of Summons* (AO 399) forms are available through the Southern District of Georgia and U.S. Courts websites.¹ Failure to file proof of service or defendant's waiver of personal service will result in a recommendation of dismissal for failure to prosecute. S.D. Ga. L.R. 41.1.

SO ORDERED, this 13th day of October, 2020.


CHRISTOPHER L. RAY
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA

¹ Plaintiff may access all necessary civil forms through the Southern District of Georgia website (<https://www.gasd.uscourts.gov/civil-forms>) or the United States Federal Courts website (<https://uscourts.gov/forms/civil-forms>).