

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

DONTE HENDERSON,)	
)	
Plaintiff,)	
)	
v.)	Case No. 08-cv-15-DRH
)	
BENNET BRAMLET, OFFICER ANTHONY,)	
and, OFFICER STARKWEATHER,)	
)	
Defendants.)	

ORDER

After the Court issued its threshold order finding that Plaintiff's complaint stated a claim for unconstitutional use of excessive force (Doc. 9), the Clerk prepared requests for waivers of service for Defendants Bennett Bramlet, Anthony White, and Officer Starkweather (Doc. 11). On March 23, 2009, the waiver of service directed to Defendant Anthony White was returned unexecuted with the notation, "Menard does not have an individual by this name" (Doc. 23). On March 2, 2009, the Plaintiff filed a letter with the Court clarifying that the individual he intended to sue was Officer Anthony, who is white, not Officer Anthony White (Doc. 20). The Clerk issued summons as to Officer Anthony and forwarded the summons to the United States Marshal for service (Doc. 33). On February 12, 2010, the summons was returned unexecuted with the notation that Menard does not have an Officer Anthony (Doc. 53).

To date, Officer Anthony has not been served and has not entered an appearance in the action. The Marshal has been unable to serve Officer Anthony based upon the information provided by Plaintiff. Accordingly, pursuant to Fed. R. Civ. P. 4(m), the Court extends the time for service of Defendant Anthony for 30 more days, that is, until **May 20, 2010**. By this date, Plaintiff **MUST** either serve process on Officer Anthony or provide additional information to the Court to identify

this Defendant so that the United States Marshal may serve process upon him. If after the expiration of 30 days Officer Anthony is not served or identified, the undersigned Magistrate Judge will recommend that Defendant Officer Anthony be dismissed without prejudice from the action as described in Fed. R. Civ. P. 4(m).

IT IS SO ORDERED.

DATED: April 20, 2010

s/ Donald G. Wilkerson
DONALD G. WILKERSON
United States Magistrate Judge