

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

**ATRELLA REYNOLDS,**

**Plaintiff,**

**v.**

**Case No. 12-cv-200-DRH-DGW**

**AAA AUTO CLUB ENTERPRISES,**

**Defendant.**

**MEMORANDUM AND ORDER**

**HERNDON, Chief Judge:**

This matter comes before the Court for case management. Plaintiff motioned for and was granted leave to proceed without prepayment of fees or costs (Doc. 3). Defendant has not been properly served, as the summons was returned unexecuted (Docs. 7, 11). An unexecuted summons does not amount to proper service.

The Clerk of Court is **DIRECTED** to complete, on plaintiff's behalf, a summons and a form USM-285 using information provided by plaintiff; the Clerk shall issue the completed summons. As to the information required of plaintiff, it appears plaintiff's complaint does not bear the correct address of defendant for purposes of service of process, as the summons bearing that address has been returned unexecuted. It is plaintiff's responsibility to provide the Clerk with the

correct address of defendant's agent authorized to accept service of process. See Fed. R. Civ. P. 4(h)(1)(B). The Court shall not independently investigate the correct address of defendant. Accordingly, plaintiff is **ORDERED** to provide the correct address to the Clerk of the Court to enable effective service of process upon defendant. Plaintiff shall provide this information by **May 15, 2012**.

The United States Marshal **SHALL**, pursuant to Federal Rule of Civil Procedure 4, personally serve upon defendant the summons, a copy of the complaint, and a copy of this Memorandum and Order. All costs of service shall be advanced by the United States, and the Clerk shall provide all necessary materials and copies to the United States Marshals Service.

It is **FURTHER ORDERED** that plaintiff shall serve upon defendant, or if an appearance has been entered by counsel, upon that attorney, a copy of every pleading or other document submitted for consideration by this Court. Plaintiff shall include with the original paper to be filed a certificate stating the date that a true and correct copy of the document was mailed to defendant or counsel. Any paper received by a district judge or a magistrate judge that has not been filed with the Clerk or that fails to include a certificate of service will be disregarded by the Court.

Additionally, plaintiff is **ADVISED** that she is under an obligation to keep the Clerk of Court and opposing counsel informed of her address; the Court will not independently investigate her whereabouts. This shall be done in writing and not later than **7 days** after a change in address occurs. Failure to comply with

this order will cause a delay in the transmission of court documents and may result in dismissal of this action under Federal Rule of Civil Procedure 41.

Finally, the Court **DENIES** plaintiff's motion for entry of default, as defendant has not been served (Doc. 12).

**IT IS SO ORDERED.**

Signed this 3rd day of May, 2012.

*David R. Herndon*



Digitally signed by

David R. Herndon

Date: 2012.05.03

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**Chief Judge  
United States District Court**