

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

KEVIN ICKES,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:12-cv-1087-GPM-DGW
)	
MARLA PATTERSON, et al.,)	
)	
Defendants.)	

ORDER

WILKERSON, Magistrate Judge:

Now pending before the Court are the Motion for Leave to File Amended Complaint filed by Plaintiff, Kevin Ickes, on July 8, 2013 (Doc. 29) and the Motion for Extension to Time to File Answer filed by Defendants, Robin Bryson and Marla Patterson, on July 8, 2013 (Doc. 30). Both Motions are **GRANTED**.

Plaintiff, who is represented by counsel, seeks to amend his complaint in order to assert new claims against Defendants and to re-plead claims against a Defendant (Tolson) who was dismissed on February 27, 2013. Pursuant to Federal Rule of Civil Procedure 15, the Motion is **GRANTED** and Plaintiff shall file his amended complaint within **3 days** of the date of this Order.

Upon filing of the amended complaint, the Clerk of Court shall prepare for Defendant **LT. B. TOLSON**: (1) Form 5 (Notice of a Lawsuit and Request to Waive Service of a Summons), and (2) Form 6 (Waiver of Service of Summons). The Clerk is **DIRECTED** to mail these forms, a copy of the amended complaint, and this Memorandum and Order to the Defendant's place of employment, the USP Marion. If Defendant Tolson fails to sign and return the Waiver of Service of Summons (Form 6) to the Clerk within 30 days from the date the forms were sent, the Clerk

shall take appropriate steps to effect formal service on Lt. Tolson, and the Court will require that Lt. Tolson pay the full costs of formal service, to the extent authorized by the Federal Rules of Civil Procedure.

If Lt. Tolson no longer can be found at the USP Marion, the employer shall furnish the Clerk with the Defendant's current work address, or, if not known, the Defendant's last-known address. This information shall be used only for sending the forms as directed above or for formally effecting service. Any documentation of the address shall be retained only by the Clerk. Address information shall not be maintained in the court file or disclosed by the Clerk.

Defendants Bryson and Patterson shall file their Answer or responsive pleading to the amended complaint within **14 days** of service of the amended complaint.

With respect to the unknown party, Plaintiff shall provide Defendants information that would describe the unknown party (i.e. work shift, height, weight, race, gender, dates of interaction with Plaintiff, locations, etc.) and Defendants are hereby **ORDERED** to make a reasonable attempt to determine the identity of the unknown party in light of the allegations made in the amended complaint and information supplied by Plaintiff.

This matter is **SET** for a telephonic status conference on **August 29, 2013 at 2:00 p.m.** Defendants to initiate the conference call. The parties should be prepared to discuss efforts to locate the unknown party, service with respect to Tolson, and the schedule in this matter.

IT IS SO ORDERED.

DATED: July 12, 2013



DONALD G. WILKERSON
United States Magistrate Judge