

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

JUAN DIAZ,)
)
 Plaintiff,)
)
 v.)
)
 C/O CHILDERS, R. CLARK, HAROLD)
 SCHULER, VALDEZ, ARNEZ, THORNTON,)
 DUBIN, and DAVIES,)
)
 Defendants.)

Case No. 3:12-cv-1168-GPM-DGW

ORDER

WILKERSON, Magistrate Judge:

This matter is before the Court on the issue of service of process of three Defendants, Arnez, Davies, and Clark. Service has not been completed as to these three Defendants (Docs. 24, 25, and 26). On March 29, 2013, this Court instructed Plaintiff to provide descriptions of these Defendants in order for service of process to be accomplished (Doc. 32). In response Plaintiff provided a description of Defendant Arnez, but not of the two remaining Defendants. Defendants were directed to ascertain the true name of this Defendant in light of the description. Defendants have indicated that this person most likely is George Davis.

In light of this information, Plaintiff is **ORDERED** to file an Amended Complaint listing “George Davis” as a Defendant in this matter and indicating in the “Statement of Claim” section of the Amended Complaint which allegations are directed towards him (which the Court assumes are the same claims that Plaintiff makes against “Lt. Arnez”). Plaintiff’s Amended Complaint is due by **November 22, 2013**. Plaintiff is **WARNED** that the failure to file an Amended Complaint listing George Davis will result in a failure to serve this Defendant and a recommendation that he

be dismissed for failure to prosecute.

Once Plaintiff has filed an Amended Complaint naming George Davis, the Clerk of Court shall prepare for Defendant **GEORGE DAVIS**: (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 complaint, and this Memorandum and Order to the Defendant's place of employment, the Big Muddy River Correctional Center. If Defendant Davis 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 Mr. Davis, and the Court will require that Mr. Davis pay the full costs of formal service, to the extent authorized by the Federal Rules of Civil Procedure.

If Mr. Davis no longer can be found at the Big Muddy River Correctional Center, 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.

IT IS SO ORDERED.

DATED: October 23, 2013



DONALD G. WILKERSON
United States Magistrate Judge