

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

**LaVONDAS V. YOUNG,**

**Plaintiff,**

**vs.**

**ALTON MENTAL HEALTH  
CENTER, et al.,**

**Defendants.**

**Case No. 13-cv-378-DRH-PMF**

**MEMORANDUM AND ORDER**

**HERNDON, Chief Judge:**

This comes before the Court for purposes of case management. On April 1, 2014, the Court directed plaintiff LaVondas Young to inform the Court of her attempts at service of the initial and amended complaints on the remaining defendants to this action on or before May 1, 2014. Plaintiff failed to so inform the Court. Thus, the Court has directed plaintiff to show cause why this case should not be dismissed on or before June 9, 2014.

Plaintiff has sent this Court a document, filed on May 15, 2014, which generally summarizes her allegations. This document does not appropriately respond to this issues raised by the Court and will not prevent dismissal of her suit. Plaintiff originally filed her complaint on April 17, 2013, originally naming: "Alton Mental Health Center et al. (Forensic Center), Barbara Auston- Clinical Nursing Manager, Karen Klunk- Clinical Nursing Manager, Anita Brazil-Hospital

Administrator.” The Court reminds plaintiff that Judge Stiehl, now retired, denied plaintiff’s request for leave to proceed in forma pauperis and also denied her request for service of process at the government’s request, on May 10, 2013 (Doc. 6). Along with a copy of this Order (Doc. 6), the Clerk also sent plaintiff Form 5 (Notice of a Lawsuit and Request to Waive Service of a Summons) and Form 6 (Waiver of Service of Summons). Waiver of service forms were returned executed as to Anita Brazil and Karen Klunk, on September 9, 2013 (Docs. 10 and 11). These are the only waiver of service forms on file with the Court. And further, no summons have ever been returned- either executed or unexecuted.

On January 22, 2014, plaintiff filed an amended complaint against the same defendants, additionally naming “State of Illinois, Department of Human Services,” in the caption. As plaintiff is aware, Karen Klunk and Barbara Auston are no longer parties to this action, as this Court granted their motion to dismiss because plaintiff failed to respond (Doc. 44). It does not appear the remaining defendants, “Alton Mental Health Center,” “Barbara Auston,” and “State of Illinois Department of Human Services,” have been served.

For informational purposes, the Court informs plaintiff that defendants were not required to waive service of a summons. In the event a defendant chooses not to waive service of a summons, it is plaintiff’s burden to request that a summons be issued as to every defendant that does not choose to waive service of a summons. Pursuant to FEDERAL RULE OF CIVIL PROCEDURE 4(m), a plaintiff has 120 days from the filing of her complaint to “serve” each defendant. “Service”

means providing each defendant with a summons and copy of the complaint in accordance with FEDERAL RULE OF CIVIL PROCEDURE 4, unless service of a summons is waived. Thus, the Court again directs plaintiff to inform the Court as to the steps she has taken to serve the remaining named defendants on or before **June 9, 2014**. Failure to so inform the Court shall result in dismissal of this case for failure to prosecute without further notice.

**IT IS SO ORDERED.**

Signed this 19th day of May, 2014.

 Digitally signed by  
David R. Herndon  
Date: 2014.05.19  
14:14:43 -05'00'



**Chief Judge**  
**United States District Court**