

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

DARRELL WIMBERLY, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 WEXFORD HEALTH SOURCES, INC., )  
 TROST, JOHN DOE #1, KIMBERLY )  
 BUTLER, SALVADORE GODINEZ, GAIL )  
 WALLS, K. ALLSUP, and LORI OAKLEY, )  
 )  
 Defendants. )

Case No. 3:16-cv-202-NJR-DGW

**ORDER**

**WILKERSON, Magistrate Judge:**

This matter is before the Court *sua sponte*. On June 15, 2016, Plaintiff filed a Motion to Amend the Complaint in order to replace John Doe # 1 and a dismissed Defendant, John Doe # 2, with named parties, Dr. Strow and John Baldwin, respectively (Doc. 36). That Motion was denied without prejudice by an Order dated June 20, 2016 (Doc. 37) because Plaintiff failed to submit a proposed amended pleading. The Court now **VACATES** the June 20, 2016 Order and **GRANTS IN PART** the Motion to Amend. Plaintiff shall not be required to file an amended complaint at this time. Rather, Dr. Strow is hereby **SUBSTITUTED** for John Doe #1 in the Complaint (Doc. 1). John Doe #2 has been dismissed; therefore, he will not be substituted.

The Clerk of Court shall prepare for Defendant **DR. STROW**: (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 Menard Correctional

Center. If Defendant Strow 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 Dr. Strow, and the Court will require that Dr. Strow pay the full costs of formal service, to the extent authorized by the Federal Rules of Civil Procedure.

If Dr. Strow no longer can be found at the Menard 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.

**DATED: October 25, 2016**



**DONALD G. WILKERSON**  
**United States Magistrate Judge**