

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

MATTHEW SUNGREN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 15-3275-DDC
	)	
(fnu) GREEN, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

Plaintiff filed this action on December 18, 2015, naming multiple defendants including Defendant Green. The court granted plaintiff’s motion for leave to proceed *in forma pauperis* and directed that the U.S. Marshals Service (USMS) attempt to serve Mr. Green at Larned Correctional Mental Health Facility, where Mr. Green had previously been employed. The waiver of summons was returned to the court, and writing on the return envelope states that Mr. Green was “not @ this address—retired 2/27/15.”<sup>1</sup> The court then ordered the Kansas Department of Corrections to provide Mr. Green’s last known address to the court *in camera*.<sup>2</sup> The USMS then mailed a summons and copy of the complaint to Mr. Green at the address provided by the KDOC. On December 12, 2017, the summons was returned unexecuted.<sup>3</sup> The return envelope indicates that it had been returned to sender and that the U.S. Postal Service had been unable to forward it. The court has now made two attempts at serving Mr. Green independent of any input from plaintiff. At this juncture, however, the court lacks any additional information suggesting where Mr. Green may be served. Although plaintiff is proceeding *in*

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<sup>1</sup> See Return Envelope at 1, ECF No. 11.

<sup>2</sup> Order to Show Cause at 2, ECF No. 38.

<sup>3</sup> See Process Receipt and Return at 1, ECF No. 53 (Sealed)

*forma pauperis* and can rely on the USMS to serve defendant, plaintiff still bears the responsibility of providing adequate information to enable the USMS to effect service.<sup>4</sup>

Accordingly, by **January 31, 2018**, plaintiff is ordered to file a notice containing an address where Mr. Green may be served. He is cautioned that failure to do so could result in the dismissal of his claims against Mr. Green.

Accordingly,

**IT IS SO ORDERED.**

Dated December 29, 2017, at Topeka, Kansas.

s/ K. Gary Sebelius  
K. Gary Sebelius  
U.S. Magistrate Judge

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<sup>4</sup> See, e.g., *Pemberton v. Patton*, 673 Fed. App'x 860, 862 (10th Cir. Dec. 21, 2016) (affirming the district court's dismissal of claims against defendants when an incarcerated plaintiff proceeding *in forma pauperis* had failed to provide addresses where defendants could be served).