

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

JOSEPH SIAS (#371351)

VERSUS

CIVIL ACTION

JAMES LEBLANC, ET AL

NUMBER 11-31-RET-SCR

ORDER

Plaintiff filed a Motion for Leave to File an Amended Complaint and three sets of discovery requests on March 24, 2011. Record document numbers 10, 11, 12 and 13, respectively. The Certificate of Service states that a copy of the motion and discovery requests were mailed to the clerk of court "to be served upon Defendants ... employed at" the Department of Public Safety and Corrections. This not proper service on the defendants.

It is the plaintiff's responsibility to properly serve the defendants in a manner authorized by Rule 5(b), Fed.R.Civ.P., with his pleadings, motions, discovery requests and other papers which are required to be served. After the defendants appear in the case through an attorney, Rule 5(b)(1) provides that service on the defendants is made by serving their attorney, typically either by mail or through the court's electronic filing system, which is allowed under Rule 5(b)(3). However, since none of the defendants has appeared through an attorney by filing a pleading, motion or otherwise, service must be made as provided by Rule 5(b)(2).

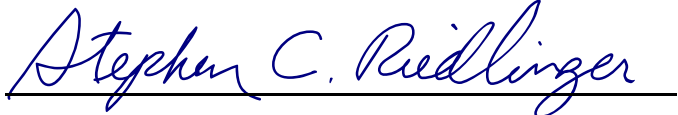
Therefore;

IT IS ORDERED that the plaintiff is allowed 14 days to properly serve the defendants, in a manner authorized by Rule 5(b), with his motion and discovery requests.

IT IS FURTHER ORDERED that within 21 days the plaintiff shall file a certificate which describes the date and manner by which each defendant was served.

Failure to comply with this order and properly serve the defendants may result in the plaintiff's motion and discovery requests being stricken.

Baton Rouge, Louisiana, March 25, 2011.



STEPHEN C. RIEDLINGER
UNITED STATES MAGISTRATE JUDGE