

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

_____)	
CHARLES Q. SHOULDERS,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.
)	13-10323-FDS
JOHN MACORKADALE, et al.,)	
)	
Defendants.)	
_____)	

ORDER

SAYLOR, J.

Plaintiff has moved for permission to serve the two defendants, who are correctional officers at the North Central Correctional Institution at Gardner, by delivering the summons and complaint at the headquarters of the Department of Correction. For the reasons set forth below, the motion will be denied without prejudice to its renewal.

The sole defendants in this action are “John” Macorkadale and “John” Waldron. The Court uses quotation marks around the first names of the defendants because plaintiff states that he is unsure of the first names of the defendants. When plaintiff filed this action, he asked the Court for leave to have service completed by the United States Marshals Service or, in the alternative, to complete service by serving the DOC. The Court granted the motion to the extent that plaintiff requested service by the USMS and directed plaintiff to provide the USMS with the defendants’ last names, job titles, and work addresses. *See* Feb. 28, 2013 Order, ¶ 3.

Plaintiff completed a USM-285 form for each defendant. Although plaintiff indicated in the “Special Instructions” field on each form that defendants work at NCCI Gardner and

provided their job titles, in the “Serve At” field at the top of the form plaintiff provided the address of the DOC headquarters in Milford, Massachusetts, rather than the address for NCCI Gardner. The USMS attempted service on March 27, 2013, at the DOC headquarters; the returns of service fields on each of the USM-285 forms indicate that service was refused.

Plaintiff again requests that he be able to complete service on the defendants by serving the DOC. Because plaintiff did not direct the USMS to attempt service at the defendants’ place of employment, the motion is denied without prejudice to its renewal. The Clerk shall reissue summons for both defendants and provide the plaintiff with forms for service by the USMS. In the “Serve At” field of the form, plaintiff should direct the USMS to attempt service at defendants’ place of employment, not at DOC headquarters. In the “Special Instructions” field of the form, plaintiff should provide any relevant information about the defendants (for example, their job titles). All costs of service will be advanced by the United States. If plaintiff cannot complete service by this method, he may ask the Court to address the issue at a future time.

So ordered.

/s/ F. Dennis Saylor
F. Dennis Saylor IV
United States District Judge

Dated: April 17, 2013