

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MUNCEY MORRIS,

Plaintiff,

Case No. 10-13613

v.

Honorable Patrick J. Duggan

NEWBERRY CORRECTIONAL
FACILITY, et al.,

Defendants.

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OPINION AND ORDER OF SUMMARY DISMISSAL

On September 10, 2010, Muncey Morris (“Plaintiff”), a state prisoner currently incarcerated at the Charles Egeler Reception and Guidance Center, in Jackson, Michigan, filed this *pro se* civil rights action pursuant to 42 U.S.C. § 1983. On September 14, 2010, Magistrate Judge R. Steven Whalen signed an Order directing Plaintiff to provide six additional copies of his Complaint in order to effect proper service upon Defendants. Plaintiff was given thirty days to respond, but has not complied with the Court’s order.¹

A prisoner bringing a civil rights complaint must specifically identify each defendant against whom relief is sought, and must give each defendant notice of the action by serving upon him or her a summons and copy of the complaint. *Feliciano v. DuBois*, 846

¹ Magistrate Judge Whalen also signed a second Order of Deficiency regarding Plaintiff’s failure to pay the \$ 350.00 filing fee or to provide an application to proceed *in forma pauperis*. Plaintiff corrected this deficiency by filing an application to proceed *in forma pauperis* on October 5, 2010 and a prisoner trust account statement on October 15, 2010.

F. Supp. 1033, 1048 (D. Mass. 1994). Where a plaintiff is proceeding *in forma pauperis*, the district court must bear the responsibility for issuing the plaintiff's process to a United States Marshal's Office, who must effect service upon the defendants once the plaintiff has properly identified the defendants in the complaint. 28 U.S.C. § 1915(d); Fed. R. Civ. P. 4(c)(3); *Byrd v. Stone*, 94 F.3d 217, 219 (6th Cir. 1996).

The Court dismisses the Complaint for want of prosecution because Plaintiff failed to comply with Magistrate Judge Whalen's Order to provide the copies needed to effect service upon Defendants. *See Jourdan v. Jabe*, 951 F.2d 108, 110 (6th Cir. 1991).

Accordingly,

IT IS ORDERED that Plaintiff's Complaint is **DISMISSED WITHOUT PREJUDICE** to Plaintiff refiling a new complaint in this matter.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Date: November 30, 2010

Copies to:

Muncey Morris, #448131
Charles Egeler Reception and Guidance Center
3855 Cooper St.
Jackson, MI 49201-7547

Magistrate Judge R. Steven Whalen