UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JACK MANN,

Plaintiff,

Case No. 15-cv-12869
Hon. Matthew F. Leitman

v.

SOE SCHLOTTMAN, *et al.*,

Defendants.
_____/

ORDER GRANTING IN PART AND DENYING IN PART (1) PLAINTIFF'S MOTION FOR STAY (ECF #23), AND (2) PLAINTIFF'S EMERGENCY MOTION FOR EXTENSION OF TIME (ECF #26), AND DENYING PLAINTIFF'S MOTION FOR PROOF OF SERVICE (ECF #25)

Plaintiff Jack Mann ("Mann") is an inmate currently in the custody of the Federal Bureau of Prisons. (*See* ECF #1.) He has brought an action against various federal corrections officers and officials, the Bureau of Prisons, and the Department of Justice (collectively, "Defendants"). (*See* Compl., ECF #1.) Mann originally filed an application to proceed *in forma pauperis* (the "Application") in this action. (*See* ECF ## 3, 5). But Mann failed to cure deficiencies with the Application on three separate occasions, and the Court dismissed his Complaint without prejudice on October 27, 2015. (*See* ECF #10.) Mann thereafter chose to forgo proceeding *in forma pauperis*, and paid the Court's $350 filing fee and $50 administrative fee on December 21, 2015. (*See* ECF #19.) The Court then

reopened Mann's case on December 23, 2015. (*See id.*) After the Court reopened Mann's case, it issued summonses for each Defendant on January 7, 2016. (*See* ECF #21.) To date, Mann has not served any Defendant with a summons or the Complaint in this action.

Since the Court reopened Mann's case, he has filed three motions, which are currently before the Court. First, on February 1, 2016, Mann filed a "Motion for Stay in Proceedings" in which he requested that the Court stay all deadlines in this matter pending his transfer to a new correctional facility (the "Motion for Stay"). (*See* ECF #23.) But at the time Mann filed the Motion for Stay, the Court had not issued a scheduling order and no deadlines had been set in this action. The only deadline in place was Mann's obligation to serve each Defendant with a summons and Complaint by May 6, 2016 (120 days from January 7, 2016 – the date the summonses were issued). Accordingly, the Court will construe the Motion for Stay as a motion to extend the expiration date of the summonses, and the Court will extend the expiration date for sixty days. The summonses will now expire on July 5, 2016.

Second, on April 1, 2016, Mann filed a "Motion for Proof of Service" in which he requested that the Court provide him with, among other things,[1] (1)

[1] Mann also requested that the Court provide him with a copy of his "Motion for Evidence on the Record." (ECF #25 at ¶ C, Pg. ID 171.) The Court grants Mann's

"copies of proof of service on all Defendants," and (2) the "proper name and address of the attorney for the defense." (*See* Motion for Stay, ECF #25 at ¶¶ A, B, Pg. ID 171.) It appears Mann believes that another party is responsible for serving each Defendant with a summons and Complaint. Mann is incorrect. He must serve a summons and Complaint on each Defendant, *see Vartinelli v. Caruso*, No. 07-12388, 2008 WL 192315, at *1 (E.D. Mich. Jan. 23, 2008), and he must do so before the summonses expire on July 5, 2016. He must also file a certificate of service with the Clerk of this Court confirming that he has timely served the summonses and the Complaint. Accordingly, the Motion for Proof of Service is denied.

Third, on April 20, 2016, Mann filed an Emergency Motion for Time Extension because he is being transferred to another facility for medical treatment. (*See* ECF #26.) In the Emergency Motion for Time Extension, Mann asserts that he "will be without his legal property for a few months, more than likely, and unable to respond to any of this Court's findings, any pleadings, or any responses by the defendant." (*See id.* at ¶ 4, Pg. ID 175.) As explained above, the only deadline in place is the expiration date of the summonses – which the Court has extended.

---

request and will enclose a copy of that motion with this Order. Moving forward, however, Mann will be required to pay court fees for all documents requested.

CONCLUSION

For the reasons stated above, **IT IS HEREBY ORDERED** that:

1. The Motion for Stay (ECF #23) and Emergency Motion for Extension of Time (ECF #26) are construed as motions to extend the expiration date of the summonses, and the motions are **GRANTED** in that respect. The summonses shall expire on July 5, 2016. In all other respects, these motions are **DENIED.**

2. Mann's Motion for Proof of Service (ECF #25) requesting copies of proof of service and requesting defense counsel's name and address is **DENIED.** Mann shall serve each Defendant with a summons and Complaint by July 5, 2016, and he shall file a certificate of service with the Clerk of this Court.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: April 21, 2016

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on April 21, 2016, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
(313) 234-5113