

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 TERMINATING PLAINTIFF'S OCTOBER 11, 2016 MOTION
(ECF #36) AND OCTOBER 21, 2016 MOTION (ECF #37) AS MOOT**

Plaintiff Jack Mann (“Mann”) is an inmate currently in the custody of the Federal Bureau of Prisons (the “BOP”). (*See* Amended Complaint, ECF #31.) On August 7, 2015, Mann brought a *pro se* action against (1) various federal corrections officers and officials, whom Mann has identified only as Mr. Schlottman, Ms. Bittenbender, Warden J.A. Terris, Mr. Gillespie, and C.O. Rische, (2) the BOP, and (3) the Department of Justice (collectively, the “Defendants”) (*See* Complaint, ECF #1). On July 6, 2016, Mann filed an Amended Complaint that added two Defendants: The United States and an official Mann only identified as Ms. Sauter. (*See* ECF #31.) On July 26, 2016 the Court issued an order that (1) indicated that the Court would treat the Amended Complaint as the operative

complaint; and (2) extended the summonses for all Defendants to October 19, 2016. (See ECF #34.)

On October 11, 2016, Mann filed a “Motion for Evidence to Be Included on the Record Providing Proof the Defendants are Attempting to De-Rail Plaintiff Mann’s Complaint and for Other Relief” (the “October 11 Motion”). (See ECF #36.) On October 21, 2016, Mann filed a “Motion to Allow Evidence on the Record Proving Mann Complied with the Order of this Court Which Mandated Service to Defendants No Later than October 19, 2016” (the “October 21 Motion”). (See ECF #37.) Both motions concern Mann’s attempts to serve Defendants prior to the October 19 deadline set forth in the Court’s July 26, 2016 order.

On November 10, 2016, Defendants filed a Notice of Acceptance of Service to inform the Court that:

To expedite this case and obviate the need for additional attempts at service, and because [D]efendants have actual notice of the suit and wish to defend on the merits, undersigned counsel, with consent of defendants, agrees to accept service on behalf of all [D]efendants as of October 7, 2016.

(ECF # 38 at 2, Pg. ID 293.)

Given Defendants’ acceptance of service, Mann no longer needs leave of the Court to enter evidence on the record proving that he has successfully served

Defendants. Accordingly, the Court **TERMINATES AS MOOT** Mann's October 11 Motion (ECF #36) and October 21 Motion (ECF #37).

IT IS SO ORDERED.

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

Dated: December 6, 2016

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on December 6, 2016, by electronic means and/or ordinary mail.

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