

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

D' ANDRE ALEXANDER,

Plaintiff,

v.

Case No. 2:16-cv-13293

District Judge Mark A. Goldsmith

Magistrate Judge Anthony P. Patti

NICHOLAS CALZETTA, *et al.*

Defendants.

**ORDER GRANTING PLAINTIFF'S APRIL 13, 2017 MOTION FOR
SERVICE OF COMPLAINT (DE 28)**

A. Plaintiff brings his lawsuit against 18 defendants.

D'Andre Alexander (#731077) is currently incarcerated at the MDOC's Macomb Correctional Facility (MRF) in New Haven, Michigan. *See* www.michigan.gov/corrections, "Offender Search." On September 8, 2016, while incarcerated at MRF, Hoosier filed the instant lawsuit against **18 defendants**, who are described as follows:

- **nine (9) Defendants** are associated with the MDOC's Marquette Branch Prison (**MBP**) (Calzaetta, Govern, Giesen, Vitala, LaCount, Niemisto, Huss, Salmi and Meden),
- **eight (8) Defendants** are associated with the MDOC's Woodland Center Correctional Facility (**WCC**) (Saad, Rosen, Watkins, Lewis, Lee, Slaughter, Houston and Idemudia), and
- **one (1) Defendant** is associated with the MDOC's **Office of Legal Affairs** (Johnson).

(DE 1 at 2 ¶¶ 5-12.) The facts underlying his complaint span the period from February 2, 2015, when Plaintiff was incarcerated at MBP, through February 2016, when Plaintiff was incarcerated at WCC. (DE 1 at 2 ¶ 4, DE 1 at 3-7 ¶¶ 13-48.)

This case has been referred to me to conduct pretrial matters. (DE 8.)

B. Eight defendants have appeared.

Of the eight defendants who have yet to appear, seven are State Defendants (Nicholas Calzetta, Fred Govern, Darrin Viitala, Mandi Salmi, Kenneth Niemisto, Kristine Giesen, and Chad LaCount) and one is Terry Meden, M.D. (DE 1 ¶¶ 5-6, 8-9; DEs 19, 25 and 26; *see also* DEs 10-16 and 18.)

On November 29, 2016, the seven State Defendants filed a motion to sever based on misjoinder of parties and claims. (DE 20.) A response, a reply and a sur-reply have been filed. (DEs 22-24.) In addition, Defendant Meden has filed a concurrence in and adoption of the State Defendants' motion. (DE 27.)

C. Ten defendants have yet to appear.

Of the ten defendants who have yet to appear, Erica Huss is described as a Deputy Warden at MBP; Hanna Saad, Dr. Rosen, Watkins, Lewis, Lee, Slaughter, Houston and Richard Idemudia, are described as associated with WCC; and Daphne M. Johnson is described as an administrator at the MDOC's Office of Legal Affairs. (DE 1 at 2 ¶¶ 7, 10, 11 and 12; DEs 9 and 17.) The waiver of service sent to Huss at MBP was returned unexecuted on the basis that Huss was

then on extended leave. (DE 9.) The waivers of service sent to Idemudia, Johnson, Houston, Slaughter, Watkins, Lewis, Lee, Saad and Rosen at 525 Clinton Street, Detroit, MI 48226 were returned unexecuted on the basis that these individuals were not Wayne County Sheriff's Office employees. (DE 17.)

Given this information, it makes sense that, on April 13, 2017, Plaintiff filed a motion for service of complaint upon the ten (10) defendants who have yet to appear. (DE 28.)

D. Order

Upon consideration, Plaintiff's motion for service of complaint (DE 28) is **GRANTED**. Accordingly, the United States Marshal Service is

DIRECTED to:

- (1) re-attempt service of process by mail upon Defendant **Huss** at Marquette Branch Prison (MBP, 1960 U.S. Hwy. 41 South Marquette, MI 49855),
- (2) attempt service of process upon Defendants **Richard Idemudia, Houston, Slaughter, Watkins, Lewis, Lee, Hanna Saad** and **Dr. Rosen** at Woodland Center Correctional Facility (WCC, 9036 E. M-36 Whitmore Lake, MI 48189), and
- (3) attempt service of process upon Defendant **Daphne M. Johnson** at the MDOC Office of Legal Affairs (Grandview Plaza, P.O. Box 30003, Lansing, MI 48909).¹

¹ Although Plaintiff's instant motion suggests that Defendant Johnson is located at WCC (DE 28 at 1 ¶ 4), Plaintiff's complaint describes her as an Office of Legal Affairs administrator (DE 1 at 2 ¶ 12), and Exhibit B to the complaint is consistent with that description (DE 1 at 13).

The Court will address the State Defendants' motion to sever (DE 20) under separate cover.

IT IS SO ORDERED.

Dated: April 24, 2017

s/Anthony P. Patti
Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE

I hereby certify that a copy of the foregoing order was sent to parties of record on April 24, 2017, electronically and/or by U.S. Mail.

s/Michael Williams
Case Manager for the
Honorable Anthony P. Patti