

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL DELON FLEMING,

Plaintiff

v.

Case No. 2:19-cv-12297

District Judge Mark A. Goldsmith

Magistrate Judge Anthony P. Patti

WAYNE COUNTY JAIL, et al.,

Defendants.

**ORDER DIRECTING PLAINTIFF TO PROVIDE FURTHER
IDENTIFICATION AS TO THREE DEFENDANTS**

In August 2019, Michael Delon Fleming (#358778), who is currently incarcerated at the Michigan Department of Corrections (MDOC) Bellamy Creek Correctional Facility (IBC), filed the instant lawsuit stemming from his August 30, 2018 arrival at Wayne County Jail (WCJ). (ECF No. 1, PageID.13.) Fleming names twenty-two defendants – seemingly comprised of fourteen Wayne County Defendants and eight Correct Care Solutions Defendants. (ECF No. 1; *see also* ECF No. 31, PageID.200 [Demand for Jury Trial].)

Plaintiff is proceeding *in forma pauperis* (ECF No. 12), so the United States Marshals Service (USMS) is assisting with service of process upon Defendants. See E.D. Mich. LR 4.1(b). In the more than two years since Plaintiff initiated this case: (1) appearances have been entered on behalf of ten Defendants (ECF Nos.

32, 36, 38, 39, 49); (2) the U.S. Marshals Service's efforts are ongoing as to another six Defendants (ECF Nos. 52-57); (3) service paperwork is likely forthcoming as to Alabid (Al-Abid), Loftis, and Jean (ECF No. 48); yet, (4) the status of service as to the remaining three Defendants – Sabatian, Biaz and Deniess – is unclear.

Plaintiff identifies Sabatian as a Wayne County Jail (WCJ) 1st shift deputy, Biaz as a WCJ 2nd shift deputy, and Deniess as the “head psychologist” for “the 4th Floor, Mental Health, Div. 1[.]” (ECF No. 1, PageID.1-2.) It appears the USMS attempted service upon these individuals on one occasion. (ECF No. 24, PageID.134, 141, 145; ECF No. 29, PageID.177, 184, 188.) However, these apparent attempts have not resulted in the filing of an executed waiver or an appearance of counsel. Moreover, Wayne County has represented that it cannot identify Biaz, Deniess, or Sabatian. (ECF No. 47, PageID.297.) Also, while the Court previously ordered the USMS to attempt service upon these individuals at the Wayne County Jail (*see* ECF No. 48, PageID.302), the USMS has informed the Court that it needs further identifying information, namely a first name for each individual.

Accordingly, Plaintiff is **DIRECTED** to provide, in writing, further contact information for Biaz, Deniess and Sabatian, while paying particular attention to the proper spelling of their first and last names and providing their addresses (if other

than 570 Clinton Street, Detroit, MI 48226) (ECF No. 1, PageID.5, 7, 9), as such information is critical to the success of the USMS's attempts at service of process. If Plaintiff is unable to provide such information, these Defendants will be dismissed without prejudice. *See* Fed. R. Civ. P. 4(m) ("If a defendant is not served within 90 days after the complaint is filed, the court--on motion or on its own after notice to the plaintiff--must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.").

IT IS SO ORDERED.

Dated: December 10, 2021



Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE