

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CLARENCE EDWARD SPURLOCK,

Plaintiff,

Case No. 1:16-cv-1304

v.

HONORABLE PAUL L. MALONEY

RICHARD FULLER, et al.,

Defendants.

**AMENDED ORDER FOR PARTIAL DISMISSAL
and PARTIAL SERVICE**

In accordance with the Opinion filed this date:

IT IS ORDERED that Plaintiff's action against Defendants Unknown Part(y)(ies), Unknown Party #1, and Unknown Party #2 be DISMISSED WITHOUT PREJUDICE for misjoinder.

IT IS FURTHER ORDERED that the Clerk shall forward the complaint to the U.S. Marshals Service, which is authorized to mail a request for waiver of service to Defendants Fuller, Copeland and Hunt in the manner prescribed by Fed. R. Civ. P. 4(d)(2). If waiver of service is unsuccessful, summons shall issue and be forwarded to the U.S. Marshals Service for service under 28 U.S.C. § 1915(d).

IT IS FURTHER ORDERED that the remaining Defendant shall file an appearance of counsel (individual Defendants may appear *pro se* if they do not have counsel) within 21 days of service or, in the case of a waiver of service, 60 days after the waiver of service was sent. Until so ordered by the Court, no Defendant is required to file an answer or motion in response to the

complaint, and no default will be entered for failure to do so. *See* 42 U.S.C. § 1997e(g)(1). After a Defendant has filed an appearance, proceedings in this case will be governed by the Court's Standard Case Management Order in a Prisoner Civil Rights Case.

Dated: December 14, 2016

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge