

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JOHNATHON STEWART RODEN,

Plaintiff,

Case No. 2:17-cv-188

v.

Honorable Paul L. Maloney

DON PLONT et al.,

Defendants.

ORDER FOR PARTIAL DISMISSAL
AND PARTIAL SERVICE

In accordance with the Opinion filed this date:

IT IS ORDERED that Plaintiff's motion to file an amended complaint (ECF No. 6) is **GRANTED** and Plaintiff's proposed amended complaint is accepted as the complaint in this case.

IT IS FURTHER ORDERED that Plaintiff's action against Defendant Trinity Food Service Group be **DISMISSED WITH PREJUDICE** for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. §§ 1915(e) and 1915A, and 42 U.S.C. § 1997e(c).

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 Don Plont 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 Defendant Don Plont 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, Defendant Plont is not 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 Defendant Plont 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: April 16, 2018

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