

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

---

MARVIN SPENCER,

Case No. 17-cv-5035 (DSD/TNL)

Plaintiff,

v.

JOEL L. BROTT, Sheriff; DR. TODD LEONARD, Physician; MICHELL SKROCH, BSIU/CCHD Nursing Dir.; GWEN BLOSSOM ENGLAND, CNP, RN; DR. DIANA VANDERBEEK, Assistant Physician; CAPT. TOM ZERWAS; SGT. TRAVIS LINDSTROM; SGT. BRAD BOHN, Badge #3419; C/O JIM ROURKE, Badge #3341; C/O ANNE HERBST, Badge #3473; C/O JOHNNIE GILBERT; C/O LISA SHORE, Badge #2163; C/O JOSHUA JESBERG, Badge #3304; C/O CATHERINE KOCH, Badge #2145; C/O OLUWASEUN JIBOWU, Badge #3397; C/O DENISE COOK; C/O TAMMY BOROS; C/O NICHOLAS SIMON, Badge #3384; C/O LOGAN BARRETT, Badge #3305; C/O YVONNE ADAMS, Badge #1757; C/O AMY KAHLER, Badge #1901; C/O DAN WORBER, Badge #3360; C/O LAURA HOLMQUIST, Badge #1719; and C/O LORI BENNETT, Badge #1409,

Defendants.

---

MARVIN SPENCER,

Case No. 17-cv-5220 (DSD/TNL)

Plaintiff,

v.

JOEL L. BROTT, Sheriff; DR. TODD LEONARD, Physician; MICHELL SKROCH, BSIU/CCHD Nursing Dir.; GWEN BLOSSOM ENGLAND, CNP, RN; DR. DIANA VANDERBEEK, Assistant Physician; CAPT. TOM ZERWAS; SGT. ARIC HANSON, Badge

#3401; SGT. REBECCA BEAL, Badge #3418; SGT. TRAVIS LINDSTROM, Badge #; SGT. BRAD BOHN, Badge #3419; C/O JIM ROURKE, Badge #3341; C/O ANNE HERBST, Badge #3473; C/O JOHNNIE GILBERT, Badge #; C/O LISA SHORE, Badge #2163; C/O JOSHUA JESBERG, Badge #3304; C/O CATHERINE KOCH, Badge #2145; C/O OLUWASEUN JIBOWU, Badge #3397; C/O DENISE COOK; C/O TAMMY BOROS, Badge #; C/O NICHOLAS SIMON, Badge #3384; C/O LOGAN BARRETT, Badge #3305; C/O YVONNE ADAMS, Badge #1757; C/O AMY KAHLER, Badge #1901; C/O DAN WORBER, Badge #3360; C/O LAURA HOLMQUIST, Badge #1719; C/O LORI BENNETT, Badge #1409; C/O CHRISTOPHER HANSEN, Badge #1074; C/O THERESA KLINGE, Badge #; JENNIE R. THOMPSON, RN; GWENDOLYN BLOSSOM ENGLAND, RN; ALYSSA PFEIFER, RN; MICHELLE SKROCH, RN; MINDI JOHNSON, CMA; BRIONY BOHN, LPN; CASSANDRA JAMES, RN; and KAYLA HERTENSTEIN, RN,

Defendants.

---

**ORDER**

---

On April 24, 2019, the Court received 30 received completed Marshal Service Forms (USM-285) from pro se Plaintiff Marvin Spencer along with a letter request for additional forms (ECF No. 53 in No. 17-cv-5035; ECF No. 33 in 17-cv-5220). The Court also received a self-styled “Motion to Correct the Errors in Spencer v. Brott II” (ECF No. 32 in No. 17-cv-5220).

## I. MARSHAL SERVICE FORMS

As stated above, the Court is in receipt of 30 completed Marshal Service Forms for these consolidated actions.<sup>1</sup> Of the forms received, 14 of them were for currently named Defendants; 6 of them were for Defendants Plaintiff had previously voluntarily dismissed; and 10 of them were for individuals not named in either *Spencer I* or *Spencer II*. Plaintiff now requests an additional 21 forms. (ECF No. 53 in No. 17-cv-5035; ECF No. 33 in 17-cv-5220.)

There are 12 remaining Defendants for which the Court has not received completed Marshal Service Forms: C/O Tammy Boros, C/O Nicholas Simon, Sgt. Aric Hanson, Sgt. Rebecca Beal, C/O Christopher Hansen, C/O Theresa Klinge, C/O Jennie R. Thompson, Alyssa Pfeifer, Mindi Johnson, Briony Bohn, Cassandra James, and Kayla Hertenstein. The Court will grant Plaintiff's letter request for additional forms in part, and provide him with 15 forms.<sup>2</sup>

**Within 30 days from the date of this Order, Plaintiff must timely submit a properly completed Marshal Service Form (Form USM-285) for each of these 12 remaining Defendants.** *See Lee v. Armontrout*, 991 F.2d 487, 489 (8th Cir. 1993) (per curiam) (noting that it is the pro se plaintiff's responsibility to provide proper addresses for service on [the defendants]). **If Plaintiff fails to comply with this deadline, it will be recommended that these Defendants be dismissed from these matters for lack of prosecution.** *See Fed. R. Civ. P. 41(b).*

## II. MOTION TO AMEND

Plaintiff has also filed a "Motion to Correct the Errors in *Spencer v. Brott II*" (ECF No. 32 in No. 17-cv-5220), which the Court has interpreted as a motion to amend the Complaint in *Spencer II*. *See Stone v. Harry*, 364 F.3d 912, 915 (8th Cir. 2004). As best as this Court is able to

---

<sup>1</sup> *Spencer v. Brott et al.*, 17-cv-5035 ("*Spencer I*") and *Spencer v. Brott et al.*, 17-cv-5220 ("*Spencer II*"), were consolidated on January 23, 2019. (*See* ECF No. 32 in No. 17-cv-5035; ECF No. 16 in No. 17-cv-5220.)

<sup>2</sup> This includes three extra forms in case Plaintiff makes errors while completing these forms.

tell, Plaintiff appears to be asserting that *all* Defendants in *Spencer II* were incorrectly named because “the person helping [him] put the wrong defendant’s [sic] names down in error.” (ECF No. 32 at 1 in No. 17-cv-5220.) Plaintiff states that *Spencer II* should have named “United States Government Defendants to include U.S. Marshal’s Service employee’s [sic] located at 300 South 4th Street, Minneapolis, Minnesota 55615.” (ECF No. 32 at 1 in No. 17-cv-5220.) Plaintiff states that five U.S. Marshals will be named as defendants in an amended complaint. Plaintiff also states that he will be naming “Correction Corporation of America” as a defendant. (ECF No. 32 at 1 in No. 17-cv-5220.)

Plaintiff has not provided a proposed amended pleading. Therefore, the Court denies Plaintiff’s motion to amend without prejudice. *See, e.g., United States ex rel. Ambrosecchia v. Paddock Labs., LLC*, 855 F.3d 949, 956 (8th Cir. 2017); *Glickert v. Loop Trolley Transp. Dev. Dist.*, 792 F.3d 876, 880 (8th Cir. 2015); *In re 2007 Novastar Fin. Inc., Sec. Litig.*, 579 F.3d 878, 884-85 (8th Cir. 2009).

### III. ORDER

Based on the foregoing, **IT IS HEREBY ORDERED** that:

1. Plaintiff’s letter request (ECF No. 53 in No. 17-cv-5035; ECF No. 33 in No. 17-cv-5220) is **GRANTED IN PART** and **DENIED IN PART**.
2. **Within 30 days from the date of this Order**, Plaintiff must submit a properly completed Marshal Service Form (USM-285) for Defendants C/O Tammy Boros, C/O Nicholas Simon, Sgt. Aric Hanson, Sgt. Rebecca Beal, C/O Christopher Hansen, C/O Theresa Klinge, C/O Jennie R. Thompson, Alyssa Pfeifer, Mindi Johnson, Briony Bohn, Cassandra James, and Kayla Hertenstein.
3. 15 Marshal Service Forms will be provided to Plaintiff by the Court.
4. **If Plaintiff fails to comply with this deadline, it will be recommended that Defendants C/O Tammy Boros, C/O Nicholas Simon, Sgt. Aric Hanson, Sgt. Rebecca Beal, C/O Christopher Hansen, C/O Theresa Klinge, C/O Jennie R. Thompson, Alyssa Pfeifer, Mindi Johnson, Briony Bohn, Cassandra James, and Kayla Hertenstein be dismissed for failure to prosecute.**

5. Plaintiff's "Motion to Correct the Errors in Spencer v. Brott II" (ECF No. 32 in No. 17-cv-5220) is **DENIED WITHOUT PREJUDICE**.

Date: May 16, 2019

s/ Tony N. Leung  
Tony N. Leung  
United States Magistrate Judge  
District of Minnesota

*Spencer v. Brott et al.*  
Case No. 17-cv-5035 (DSD/TNL)

*Spencer v. Brott et al.*  
Case No. 17-cv-5220 (DSD/TNL)