

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Romelle Smith,

Case No. 24-CV-4488 (KMM/DJF)

Plaintiff,

v.

County of Sherburne; Joel Brott, Sherburne County Sheriff; Patt Carr, Previous Sherburne County Jail Commander; Brian Frank, current Sherburne County Jail Commander and previous Sherburne County Jail Administrator; Dave Isias, Assistant Sherburne County Jail Administrator; and Mark Fritel, Sherburne County Jail Program Coordinator, in their individual and official capacities,

ORDER

Defendants.

IT IS HEREBY ORDERED THAT:

1. The application to proceed *in forma pauperis* of Plaintiff Romelle Smith (ECF No. 3) is **GRANTED**.
2. Mr. Smith must submit a properly completed Marshal Service Form (Form USM-285) for each Defendant. If Mr. Smith does not complete and return the Marshal Service Forms by **February 5, 2025**, the Court will recommend that this matter be dismissed without prejudice for failure to prosecute. The Court will provide Marshal Service Forms to Mr. Smith.
3. After Mr. Smith returns the completed Marshal Service Forms, the Clerk of Court is directed to seek waivers of service from Defendants Joel Brott, Patt Carr, Brian

Frank, Dave Isias, and Mark Fritel in their individual capacities, consistent with Rule 4(d) of the Federal Rules of Civil Procedure.

4. If a Defendant sued in his or her individual capacity fails without good cause to sign and return a waiver within 30 days of the date when the waiver is mailed, the Court will impose upon that Defendant the expenses later incurred in effecting service of process. Absent a showing of good cause, reimbursement of the costs of service is mandatory and will be imposed in all cases in which a Defendant does not sign and return a waiver of service form. *See* Fed. R. Civ. P. 4(d)(2).
5. The U.S. Marshals Service is directed to effect service of process on Defendant Sherburne County and each of the Defendants in their official capacities as agents of Sherburne County consistent with Rule 4(j) of the Federal Rules of Civil Procedure.
6. Because this matter was severed from a prior action in which the filing fee was already paid, *see Goldmann v. Sherburne County Sheriffs Department*, No. 21-CV-2530 (KMM/DJF), no filing fee will be assessed with respect to Mr. Smith, *see* 28 U.S.C. § 1915(b).

Dated: January 6, 2025

s/ Dulce J. Foster

Dulce J. Foster

United States Magistrate Judge