

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

RONALD DALE BURSTON, JR.,)	
)	
Plaintiff,)	
)	
v.)	No. 1:12CV28 LMB
)	
JAMES COOPER,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

Before the Court is attorney J. Thaddeus Eckenrode’s motion, on behalf of defendant James Cooper, to withdraw his notice of waiver, entry of appearance and answer. Mr. Eckenrode, counsel of record for Corizon, Inc., f/k/a Correctional Medical Services, Inc., (“CMS”), who is not a named party in this action, asserts that such pleadings were “filed in error,” and that he cannot “confirm the employment status of” defendant Cooper at this time. Accordingly, Mr. Eckenrode requests that the Court accept a “Notice of Non-Waiver of Service by Corizon, Inc.,” and allow Mr. Eckenrode to withdraw his previous filings made on behalf of defendant Cooper.

Mr. Eckenrode has not provided the Court with any further explanation of the matters at hand, included any legal precedent for his request, nor cited to any Federal Rule of Civil Procedure as grounds for the relief he seeks. As such, the

Court will hold Mr. Eckenrode's request in abeyance until such time as he is able to provide the Court with additional information with respect to his request.

The Court will provide Mr. Eckenrode additional time to confirm Mr. Cooper's current employment status. If Mr. Cooper is no longer employed by Corizon, Mr. Eckenrode shall provide the Court, in camera, with the last known address of Mr. Cooper, so that service may be effectuated on plaintiff's behalf.

Accordingly,

IT IS HEREBY ORDERED that within fifteen (15) days of the date of this Order, Mr. J. Thaddeus Eckenrode shall provide the Court with a supplemental briefing as to the circumstances surrounding the relief requested in his "Motion for Leave to Withdraw Entry of Appearance, Notice of Waiver and Answer Filed on Behalf of Defendant James Cooper." In his supplemental brief Mr. Eckenrode should provide legal citations in support of the relief requested.

IT IS FURTHER ORDERED that if James Cooper is no longer a current employee of Corizon, Inc., within fifteen (15) days of the date of this Order, Mr. J. Thaddeus Eckenrode shall inform the Court in writing of the last known address of defendant Cooper. Mr. Eckenrode's response to this Order should be entitled "In Camera Response to Order of July 12, 2012," and should be mailed directly to the chambers of the undersigned, at the following address: United States District Court,

Eastern District of Missouri, Southeastern Division, 555 Independence, Cape Girardeau, Missouri, 63703.

IT IS FURTHER ORDERED that upon receipt of the in camera response, the Court will notify plaintiff in writing whether an address for Mr. Cooper has been provided, and if so, the Court will arrange for issuance of summons and Marshal's forms on plaintiff's behalf.

Dated this 13th day of July, 2012.

Lewis M. Blanton

LEWIS M. BLANTON
UNITED STATES MAGISTRATE JUDGE