

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

JERMAINE S. EWING, )  
                          )  
                          )  
Plaintiff,            )  
                          )  
                          )  
v.                     )                           No. 1:13CV71 SNLJ  
                          )  
                          )  
LESLIE TYLER, et al., )  
                          )  
                          )  
Defendants,            )

**MEMORANDUM AND ORDER**

This matter is before the Court on review of the docket sheet. Counsel for the defendants provided evidence to the Court showing that defendant Brian Robinson was a member of the United States Army Reserve and was ordered to report for a 400-day active duty deployment on or about August 12, 2013. Counsel then provided the Court with Mr. Robinson's last known address, at which the United States Marshal's Office attempted to effectuate service. Service was attempted on Mr. Robinson's last known address on several occasions, but no one answered the door. (#50.) The unexecuted return of the summons was filed August 7, 2014. (Id.)

Under the Servicemembers Civil Relief Act, 50 App. U.S.C. § 525, a servicemember may be entitled to a stay of an action or proceeding for the period of military service and 90 days thereafter, or for any part of that period. As service has not been effectuated on Mr. Robinson, and his military service has not been fully verified, the Court is unable to ascertain whether such a stay is necessary at this time.

However, under Rule 4 of the Federal Rules of Civil Procedure and this Court's Local Rules, it is plaintiff's obligation to provide the Court with an address at which a defendant may be served. As such, plaintiff will be given twenty-one days to provide the Court with a new address to serve process on plaintiff Robinson, or, the claims against Robinson will be dismissed, without prejudice pursuant to Rule 4(m).

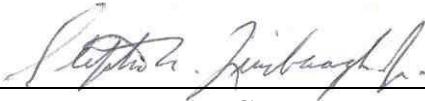
In addition, defendants are advised that they have an obligation to notify the Court and parties if Mr. Robinson returns to employment with the Missouri Department of Corrections.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff will be given twenty-one days to provide the Court with a new address to serve process on plaintiff Robinson, or, the claims against Robinson will be dismissed, without prejudice pursuant to Rule 4(m).

**IT IS FURTHER ORDERED** that defendants are advised that they have an obligation to notify the Court and parties if Mr. Robinson returns to employment with the Missouri Department of Corrections.

Dated this 22nd day of August, 2014.



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STEPHEN N. LIMBAUGH, JR.  
UNITED STATES DISTRICT JUDGE