

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

LUTHER W. JOHNSON, JR.,)	
)	
Plaintiff,)	
)	
v.)	No. 2:14CV59 HEA
)	
DEAN MINOR, et al.,)	
)	
Defendants,)	

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on review of the case file. On August 22, 2014, the Court directed the Clerk to serve process on defendant Max Schroff by preparing a summons for the United States Marshal. On August 27, 2014, the United States Marshal sent the summons to Schroff via certified mail. As of this date, Schroff has not responded to the summons.

Rule 4(e) of the Federal Rules of Civil Procedure governs serving an individual or a government official named in his or her individual capacity. Rule 4(e)(1)-(2) states that service may be made on an individual by following state law or by:

- (A) delivering a copy of the summons and of the complaint to the individual personally;
- (B) leaving a copy of each at the individual's dwelling or usual place of abode with someone of suitable age and discretion who resides there; or
- (C) delivering a copy of each to an agent authorized by appointment or by law to receive service of process.

Fed. R. Civ. P. 4(e)(1)-(2). Service under Missouri law is substantially similar to service under Rule 4(e)(2). See Mo. R. Civ. P. 54.13(b)(1).

Service via certified mail is not authorized by the Federal Rules of Civil Procedure. So, the Court will direct the Clerk to serve process on defendant Schroff in accordance with the Rule 4(e).

Accordingly,

IT IS HEREBY ORDERED that the Clerk shall issue process or cause process to issue on defendant Max Schroff at the address provided by counsel *ex parte* [ECF No. 14]. Service must be effectuated in accordance with Rule 4(e) of the Federal Rules of Civil Procedure, as specified in the body of this Memorandum and Order.

Dated this 8th day of October, 2014.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE