

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

MAJOR CALHOUN,)	
)	
Plaintiff,)	
)	
v.)	No. 2:14CV88 CDP
)	
CORIZON CORRECTIONAL HEALTH)	
CARE, et al.,)	
)	
Defendant,)	

MEMORANDUM AND ORDER

The Court ordered plaintiff to show cause why defendant Dr. Kendis Archer should not be dismissed without prejudice for lack of service of process. See Fed. R. Civ. P. 4(m). Plaintiff asserts that as a prisoner he has no ability to investigate Archer’s current address.

The Court ordered the Clerk to serve Archer with process. Initially, the Clerk sent a waiver letter to Archer’s last-known employer, Corizon, Inc. Corizon claimed that it attempted to find Archer but that it could not reach him. The Court then directed Corizon to submit, *ex parte*, Archer’s last-known address. Corizon did, and the U.S. Marshals Service attempted to serve him. The Marshals Service, however, was not able to serve Archer there because he reportedly moved to Gainesville, Florida, to practice medicine.

In Beyer v. Pulaski County Jail, ---Fed.Appx.---, 2014 WL 5068223 (8th Cir. 2014), the Court of Appeals held that the Marshals Service’s inability to serve a defendant with process constituted “good cause,” entitling a plaintiff to an extension of time to serve process. Id. at *1. In Graham v. Satkoski, 51 F.3d 710 (7th Cir. 1995), the court held that a “prisoner need furnish the Marshals Service only with information necessary to identify the defendants.” Id. at 713. The court “noted that once the former prison employee is properly identified, the Marshals

Service should be able to ascertain the individual's current address and, on the basis of that information, complete service.” Id.

In this instance, I believe that plaintiff has given the Marshals Service enough information to serve process on Archer. Dr. Archer is a psychiatrist practicing in Gainesville, Florida. All that is required to find Archer’s present work address is a simple internet search. Therefore, I will order the Marshals Service to attempt to locate Archer’s present work address and to attempt service once more.

Accordingly,

IT IS HEREBY ORDERED that the Marshals Service is directed to attempt to locate Dr. Kendis Archer’s present work address in Gainesville, Florida, and to attempt service there.

Dated this 13th day of February, 2015.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE