

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

CODY LEE WALTON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 2:15-CV-36-NAB
	)	
RYSZARD BILINSKI, et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court on review of the complaint [Doc. #1] pursuant to 28 U.S.C. § 1915A. Having carefully reviewed the file, the Court finds that the complaint survives review under 28 U.S.C. § 1915(e)(2)(B) and should not be dismissed. Therefore, the Court will order that defendants Ryszard Bilinski and Macon County, Missouri, reply to plaintiff's claims once the complaint has been properly served. *See* 42 U.S.C. § 1997e(g)(2).

The Court notes that plaintiff has paid the filing fee and is represented by counsel. Because plaintiff paid the filing fee, he is responsible for serving defendants with a copy of the complaint. *See* Fed. R. Civ. P. 4(m).<sup>1</sup> Plaintiff is

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<sup>1</sup>Because over two months have passed since the filing of plaintiff's complaint, plaintiff may request additional time to serve defendants, if needed. *See* Fed. R. Civ. P. 4(m).

advised that he may seek guidance on serving defendants from the Office of the Clerk, if needed.

In accordance with the foregoing,

**IT IS HEREBY ORDERED** that, pursuant to this Court's differentiated case management system, this case is assigned to Track 5B (prisoner actions-standard).

**IT IS FURTHER ORDERED** that plaintiff shall include a copy of this order when either serving the complaint upon defendants or requesting that defendants waive service.

**IT IS FURTHER ORDERED** that, after either being properly served with a copy of the complaint or filing a waiver of service, defendants shall reply to the complaint within the time provided by the applicable provisions of Rule 12(a) of the Federal Rules of Civil Procedure. *See* 42 U.S.C. § 1997e(g)(2).

Dated this 20th day of July, 2015.

/s/ Nannette A. Baker  
NANNETTE A. BAKER  
UNITED STATES MAGISTRATE JUDGE