

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

REX GUNTHER,

Plaintiff,

v.

DR. STACEY NEFF,

Defendant.

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No. 4:16CV1606 NCC

**MEMORANDUM AND ORDER**

This matter is before the Court upon review of the file. On October 6, 2016, plaintiff Rex Gunther, a civilly committed person proceeding pro se, brought this action pursuant to 42 U.S.C. § 1983 for injunctive relief against Dr. Stacey Neff. Plaintiff neither paid the required civil filing fee nor moved for leave to proceed in forma pauperis at that time. On October 19, 2016, the Court directed plaintiff to either move for leave to proceed in forma pauperis, or pay the required civil filing fee (Doc. 3). On November 4, 2016, plaintiff paid the required civil filing fee. On November 15, 2016, the Court, liberally construing plaintiff's pro se complaint, determined that plaintiff has asserted claims under his First Amendment rights of free speech to send and receive mail. The Court, therefore, directed plaintiff to attempt to effect service on defendant, but that, if he could not do so, plaintiff could move the Court to direct the U.S. Marshal to serve process. On November 28, 2016, plaintiff filed a "Response to Memorandum and Order dated 15th day of November, 2016" (Doc. 9) in which he requests the Court allow the U.S. Marshal to serve process on defendant because of certain mail and phone restrictions. At the time, Dr. Neff appeared to be an employee of Corizon, LLC and, therefore, the Court directed the Clerk of Court to issue process or cause process to issue upon the complaint, pursuant to the service agreement the Court maintains with Corizon (Doc. 10). However,

Corizon responded that it was unable to waive service for Dr. Neff as she is not a Corizon employee (Doc. 12). Upon further review and at the suggestion of Corizon, Dr. Neff appears to be employed by the Missouri Department of Mental Health. Accordingly, pursuant to Federal Rule of Civil Procedure 4(c)(3),

**IT IS HEREBY ORDERED** that the Clerk shall issue process or cause process to issue upon the complaint, pursuant to the service agreement the Court maintains with State of Missouri, as to defendant Stacey Neff.

Dated this 30th day of March, 2017.

/s/ Noelle C. Collins  
NOELLE C. COLLINS  
UNITED STATES MAGISTRATE JUDGE