

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JESUS BROWN,

Plaintiff,

vs.

DR. DEOL, Nebraska Department of
Correctional Services Medical Director,
individually and in their official
capacities; GARY J. HUSTAD, MD,
individually and in their official
capacities; DAN DANAHER, Physician
Assistant, individually and in their
official capacities; and DR. JEFFREY
KASSELMAN, in his individual and
official capacity;

Defendants.

4:18CV3020

**MEMORANDUM
AND ORDER**

This matter is before the court on case management. On October 25, 2018, the court permitted Plaintiff's Eighth Amendment claims against Dr. Jeffrey Kasselmann in his individual and official capacities to proceed to service of process and directed the Marshals Service to serve Dr. Kasselmann. ([Filing No. 28.](#)) Service on Dr. Kasselmann in his official capacity was accomplished on November 28, 2018 ([filing no. 30](#)), and he filed an answer in his official capacity only on December 18, 2018 ([filing no. 31](#)). To date, service on Dr. Kasselmann in his individual capacity has not been accomplished. Upon consulting with the Marshals Service, the court has been made aware that service on Dr. Kasselmann in his individual capacity has been delayed due to the federal government shutdown and the restrictions on the types of matters the Marshals Service may expend resources on during the shutdown. Accordingly,

IT IS ORDERED that:

1. The delay in accomplishing service of process on Dr. Kasselmann in his individual capacity due to the federal government shutdown will not count against the 90-day time limit for service of the amended complaint. *See* Fed. R. Civ. P. 4(m).

2. When the Marshals Service is able to resume service of civil summons, the court will monitor this case to see that service on Dr. Kasselmann is accomplished within a reasonable time and, if necessary, will enter further order directing the Marshals Service to complete service by a date certain.

3. Once service upon Dr. Kasselmann in his individual capacity is accomplished, the court will enter a progression order.

Dated this 15th day of January, 2019.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge