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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

KENNETH HATLEN,

Plaintiff,

v.

MARY WALSH, et. al.,

Defendants.

3:12-cv-00534-MMD-WGC

ORDER

On March 7, 2014, Plaintiff filed a Motion for Assistance indicating that the U.S. Marshal's Office had returned a summons unexecuted for defendant Randy Tice. (Doc. # 213.)¹

The Attorney General's Office had previously advised the court that it was not authorized to accept service on Mr. Tice's behalf, and filed under seal the last known address of Mr. Tice. (Doc. # 146.) The court ordered the Clerk to issue a summons and copy of the complaint for the U.S. Marshal to serve on Mr. Tice, which was done, but the service return came back unexecuted because the last known address filed under seal for Mr. Tice was a post office box. (Doc. # 206.)

On May 5, 2014, the court issued an order directing defense counsel to file a statement regarding whether its client is in possession of a physical address for Mr. Tice. (Doc. # 254.) Defendants filed a statement on May 15, 2014, indicating that the post office box is the only address they have for Mr. Tice. (Doc. # 274.)

Since Plaintiff is proceeding in forma pauperis under 28 U.S.C. § 1915, the court must order that service be made by a United States Marshal or deputy marshal or person specially appointed by the court. Fed. R. Civ. P. 4(c)(3). The court did issue such an order; however, the U.S. Marshal was unable to effectuate personal service on Mr. Tice because his last known address is a post office box. The court has therefore met its obligation under Rule 4(c)(3). It is

¹ Refers to court's docket number.

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now incumbent upon Plaintiff to effectuate service on Mr. Tice in any way that is permissible under Rule 4, which may include a motion to serve Mr. Tice by publication, which will be at Plaintiff's expense. Plaintiff shall have an additional **forty-five days** from the date of this Order to serve Mr. Tice with the summons and Complaint. If a proof of service is not filed by that time, or other showing of good cause as to why Mr. Tice was not served, Mr. Tice may be dismissed from this action without prejudice pursuant to Rule 4(m).

IT IS SO ORDERED.

DATED: May 30, 2014.



WILLIAM G. COBB
UNITED STATES MAGISTRATE JUDGE