

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

NOT FOR PUBLICATION

James L. Roudabush, Jr.	:	
	:	CIV. ACTION NO. 15-3185(RMB)
Plaintiff,	:	
v.	:	MEMORADUM AND ORDER
	:	
Lt. Bitener et al.,	:	
	:	
Defendants.	:	

RENÉE MARIE BUMB, U.S. District Judge

This matter comes before the Court upon the following motions by Plaintiff: 1) motion to extend time to reply to Defendants' response to claim of imminent danger (ECF No. 39); 2) motion to extend time to reply to Defendants' motion to seal records (ECF No. 41); 3) motion for clarification (ECF No. 42); 4) motion to correct Defendant's name to "Alatary" (ECF No. 43); and 5) Plaintiff's letter request regarding witnesses for the hearing on imminent danger of serious physical injury under 28 U.S.C. § 1915(g) (ECF No. 44).

Plaintiff's motion to extend time to reply to Defendants' response to claim of imminent danger is moot because Plaintiff subsequently filed his reply on September 24, 2015 (ECF No. 20.)

The Court will grant Plaintiff's motion to extend time to reply to Defendants' motion to seal.

Plaintiff sought clarification of whether he needs to serve the summons and complaint on Defendant Bitener after receiving a waiver of service from him. Defendant Bitener has waived service under Federal Rule of Civil Procedure 4(d), and Plaintiff need not serve the summons and complaint on Bitener. See ECF No. 31 (waiver of service filed).

Plaintiff moved to correct the spelling of Defendant "Altieri" to the correct spelling of "Alatary." This motion will be granted.

Finally, Plaintiff's letter request to subpoena witnesses will be denied without prejudice. Plaintiff may submit for the Court's consideration written questions he proposes to ask each witness; and Plaintiff's basis for believing each witness has relevant information to the issue of whether Plaintiff was in imminent danger of serious physical injury when he filed the present complaint on April 14, 2015.

IT IS on this 30th day of September 2015,

ORDERED that Plaintiff's motion to extend time to reply to Defendants' response to claim of imminent danger (ECF NO. 39) is

DENIED as moot because Plaintiff has submitted his reply; and it is further

ORDERED that Plaintiff's motion to extend time to reply to Defendants' motion to seal (ECF No. 41) is GRANTED; Plaintiff shall file his reply to Defendants' motion to seal by October 7, 2015; and it is further

ORDERED that Plaintiff's motion to correct the spelling of Defendant "Alatary" (ECF No. 43) is GRANTED; the Clerk of Court shall correct the docket entries to reflect the corrected spelling from "Altieri" to "Alatary"; and it is further

ORDERED that the Clerk of the Court shall reissue the summons with the corrected spelling of Defendant "Alatary"; and the U.S. Marshals shall serve the reissued summons and the complaint upon Defendant Alatary; and it is further

ORDERED that Plaintiff's letter request to subpoena witnesses for the Court's hearing on Defendants' response to Plaintiff's Allegation of Imminent Danger of Serious Physical Injury under 28 U.S.C. § 1915(g) (ECF No. 44) is DENIED without prejudice; Plaintiff shall submit to this Court for consideration, by October 14, 2014, written questions to each proposed witness, and Plaintiff's basis for believing each witness has relevant information to the issue of

whether Plaintiff was in imminent danger of serious physical injury when he filed the present complaint on April 14, 2015; and it is further

ORDERED that the Clerk of Court shall send a copy of this Memorandum and Order to Plaintiff by regular U.S. mail.

s/Renée Marie Bumb
RENÉE MARIE BUMB
UNITED STATES DISTRICT JUDGE