

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

TRAVIS HEFFLEY, :
Plaintiff, : Civ. No. 17-3647 (NLH) (SAK)
v. : MEMORANDUM OPINION AND ORDER
FEDERAL BUREAU OF PRISONS :
FCI FORT DIX, et al., :
Defendants. :
:

APPEARANCES:

Travis Heffley
17225097
Otisville
Federal Correctional Institution
Inmate Mail/Parcels
P.O. Box 1000
Otisville, NY 10963

HILLMAN, District Judge

WHEREAS, Plaintiff Travis Heffley filed a complaint naming unidentified members of the Extraction Team at FCI Fort Dix as defendants, ECF No. 1; and

WHEREAS, the Court reviewed the complaint under 28 U.S.C. § 1915(e) (2) and concluded sua sponte dismissal was not appropriate, ECF No. 7. However, the Court acknowledged that the Complaint could not be served on unknown John Doe defendants, and thus, the Court authorized discovery pursuant to Federal Rules of Civil Procedure 26(d) and 34(c) limited to

discovering the identities of the John Doe members of the Fort Dix Extraction Team. Id.; and

WHEREAS, after Plaintiff provided the Court with names for the John Doe defendants, the Court directed the Clerk's Office to substitute the named defendants and to issue U.S. Marshal 285 Forms to Plaintiff for service, ECF No. 13; and

WHEREAS, the Court directed the Clerk's Office to send Plaintiff 285 Forms on three occasions: November 9, 2020 (ECF No. 17); July 2, 2021 (ECF No. 25); and September 21, 2021 (ECF No. 29). The docket indicates the Clerk's Office complied and mailed 285 forms on these dates. ECF Nos. 18, 26, and 30; and

WHEREAS, the Court ordered Plaintiff to show cause why this matter should not be dismissed for lack of service and failure to comply with this Court's orders, ECF No. 35; and

WHEREAS, Plaintiff submitted 285 Forms in response to the Court's order, ECF No. 36-1. He states that he was unable to complete the forms because he did not have Defendants' addresses, ECF No. 36; and

WHEREAS, the Court will vacate the Order to Show Cause because Plaintiff has submitted the requested forms. The Court will address Plaintiff's request for assistance with service separately.

IT IS therefore on this 23rd day of June, 2022,

ORDERED that the order to show cause, ECF No. 35, be, and hereby is, vacated considering Plaintiff's response; and it is finally

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

At Camden, New Jersey

s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.