

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

<b>WALTER A. TORMASI,</b>	:	<b>Civil Action No. 08-5886 (JAP)</b>
	:	
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	<b>ORDER</b>
	:	
<b>GEORGE W. HAYMAN, et al.,</b>	:	
	:	
<b>Defendants.</b>	:	
	:	

This matter having come before the Court upon Motion by *pro se* Plaintiff Walter A. Tormasi (“Plaintiff”) for issuance of an Alias Summons and Marshal’s Service of Process on Defendants Derek Butler, Harrison, and Victor Sierra [dkt. entry no. 26], returnable January 4, 2009; and no opposition having been filed; and Plaintiff stating that “I specified the Department of Corrections headquarters on Whittlesey Road as ‘serve at’ addresses [a]s reflected on my USM-285 return, however, the Marshal was unable to locate [D]efendants Butler, Harrison, and Sierra at such location” (Pl.’s Decl. at ¶3); and Plaintiff also stating that “I thereafter completed new USM-285 forms . . . this time specifying New Jersey State Prison (NJSP) as ‘serve at’ address” (*Id.* at ¶4); and Plaintiff further stating that “I received correspondence from USM civil desk . . . [stating] ‘[y]ou must petition the court to issue an ‘Alias Summons’ so that service can be made on ‘Derek Butler, FNU Harrison, and Victor Sierra’” (*Id.* at ¶5); and the Court noting that pursuant to Federal Rule of Civil Procedure 4(c)(3), “[a]t the plaintiff’s request, the court may order that service be made by a United States marshal . . . [and] [t]he court must so order if the plaintiff is authorized to proceed in forma pauperis under 28 U.S.C. § 1915”; and the Court having reviewed Plaintiff’s submissions; and the Court having considered the matter pursuant to FED. R. CIV. P. 78; and good cause having been shown;

**IT IS** on this 11<sup>th</sup> day of January, 2010,

**ORDERED** that Plaintiff’s Motion for issuance of an alias summons and Marshal’s Service

of Process for Defendants Derek Butler, Harrison, and Victor Sierra at the New Jersey State Prison [dkt. entry no. 26] is **GRANTED**; and it is

**FURTHER ORDERED** that the Clerk of the Court shall issue an alias summons with respect to Defendants Derek Butler, Harrison, and Victor Sierra; and it is

**FURTHER ORDERED** that the Marshals effectuate service of process on Defendants Derek Butler, Harrison, and Victor Sierra pursuant to Federal Rule of Civil Procedure 4(c)(3) no later than **February 8, 2010**.

*s/ Douglas E. Arpert*

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**DOUGLAS E. ARPERT**

**UNITED STATES MAGISTRATE JUDGE**