

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ALFONSO RIZZUTO,

Plaintiff,

-against-

ANTHONY ANNUCCI, et al.,

Defendants.

22-CV-7698 (CS)

ORDER OF SERVICE

CATHY SEIBEL, United States District Judge:

Plaintiff, who is appearing *pro se*, brings this action under 42 U.S.C. § 1983 and the Americans with Disabilities Act of 1990, arising from events that occurred in 2019, when he was incarcerated in Woodbourne Correctional Facility (“Woodbourne”). Plaintiff asserts that Defendants violated his rights by providing him inadequate medical care for a serious medical condition, failing to reasonably accommodate his disability, and failing to properly handle his grievances. By order dated September 9, 2022, the Court granted Plaintiff’s request to proceed *in forma pauperis* (“IFP”), that is, without prepayment of fees.

**DISCUSSION**

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service.<sup>1</sup> *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all

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<sup>1</sup> Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have served summonses and the complaint until the Court reviewed the complaint and ordered that summonses be issued. The Court therefore extends the time to serve until 90 days after the date summonses are issued.

process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP)).

To allow Plaintiff to effect service on Defendants Anthony Annucci, Acting Commissioner of the New York State Department of Corrections and Community Supervision (“DOCCS”); John Morley, Deputy Commissioner/Chief Medical Officer of DOCCS; Mary Anne McGrath, Associate Commissioner Population Management of DOCCS; Lynn Lilley, former Superintendent of Woodbourne; Reed Barnofsky, Grievance Director at Woodbourne; Denisha Goodman, Deputy Superintendent at Woodbourne; David Howard, Deputy Superintendent at Woodbourne; Miriam Weig, Nurse Administrator at Woodbourne; William Holloran, Lieutenant at Woodbourne; Frank Klepsis, Plant Superintendent at Woodbourne; and Ashley Harris-Baker, Nurse/Physician Assistant at Woodbourne, through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for each defendant. The Clerk of Court is further instructed to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon Defendants.

If the complaint is not served within 90 days after the date the summonses are issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.

### **CONCLUSION**

The Clerk of Court is directed to issue summonses for Annucci, Morley, McGrath, Lilley, Barnofsky, Goodman, Howard, Weig, Holloran, Klepsis, and Harris-Baker, complete the USM-

285 forms with the addresses for these defendants, and deliver all documents necessary to effect service to the U.S. Marshals Service.

The Clerk of Court is also directed to mail an information package to Plaintiff.

SO ORDERED.

Dated: January 18, 2023  
White Plains, New York

A handwritten signature in black ink, reading "Cathy Seibel". The signature is written in a cursive, flowing style. The "C" is large and loops around the "athy". The "Seibel" is written in a more compact, cursive script.

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CATHY SEIBEL  
United States District Judge

**DEFENDANTS AND SERVICE ADDRESSES**

1. Anthony Annucci  
NYS DOCCS Acting Commissioner  
1220 Washington Avenue  
Albany, NY 12226
2. John Morley, MD  
NYS DOCCS Deputy Commissioner/Chief Medical Officer  
1220 Washington Avenue  
Albany, NY 12226
3. Mary Anne McGrath  
NYS DOCCS Associate Commissioner Population Management  
1220 Washington Avenue  
Albany, NY 12226
4. Lynn Lilley  
Former Superintendent of Woodbourne Correctional Facility  
30 Institution Road  
Napanoch, NY 12458
5. Reed Barnofsky  
Grievance Director  
Woodbourne Correctional Facility  
99 Prison Road  
Woodbourne, NY 12788
6. Denisha Goodman  
Deputy Superintendent  
Woodbourne Correctional Facility  
99 Prison Road  
Woodbourne, NY 12788
7. David Howard  
Deputy Superintendent  
Woodbourne Correctional Facility  
99 Prison Road  
Woodbourne, NY 12788
8. Miriam Weig  
Nurse Administrator  
Woodbourne Correctional Facility  
99 Prison Road  
Woodbourne, NY 12788

9. William Holloran  
Lieutenant  
Woodbourne Correctional Facility  
99 Prison Road  
Woodbourne, NY 12788
10. Frank Klepsis  
Plant Superintendent  
Woodbourne Correctional Facility  
99 Prison Road  
Woodbourne, NY 12788
11. Ashley Harris-Baker  
Nurse/Physician Assistant  
Woodbourne Correctional Facility  
99 Prison Road  
Woodbourne, NY 12788