

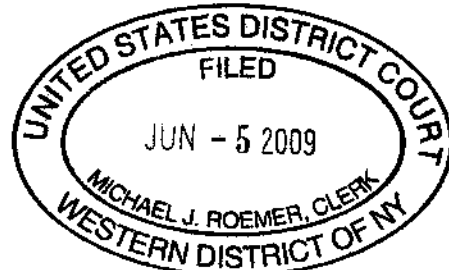
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DONALD CLARK,

-v-

STEVE SWAIN, Staff Physician, Erie County Correctional Facility,
and LORI LAY,

Defendants.



-PS-O-

DECISION AND ORDER
08-CV-0637Sr


The Court, pursuant to *Valentin v. Dinkins*, 121 F.3d 72, 75 (2d Cir. 1997), previously directed that the Erie County Attorney's Office attempt to ascertain the proper identity of defendant Steve Swain, a physician at the Erie County Correctional Facility whom plaintiff alleges provided him inadequate medical care, and to furnish an address at which this defendant could be served. (Docket No. 9). The Erie County Attorney's Office has now provided an address at which defendant Steve Swain can be served. Accordingly,

IT IS HEREBY ORDERED that the Clerk of the Court is directed to cause the United States Marshals Service to the serve ths summons and amended complaint (Docket No. 5), this Order, and the Order filed October 22, 2008 (Docket No. 6), on Steve Swain at the address provided by the Erie County Attorney's Office. The Clerk of the Court is also directed to complete the summons and United States Marshal Process Receipt and Return Form ("USM-285), for service of said documents on defendant Swain.

FURTHER, that, pursuant to 28 U.S.C. § 1997(e)(g)(2), defendant Steve Swain is directed to respond to the amended complaint.

SO ORDERED.

Dated: JUNE 4, 2009
Rochester, New York



CHARLES J. SIRAGUSA
United States District Judge