

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:12-cv-48-RJC**

MARION LAMONT SHERROD,

Plaintiff,

v.

**SID HARKLEROAD, JOHN MORGAN,
FNU EDWARDS, STEPHEN SHOOK,
PATRICIA McENTIRE, MARGARET
JOHNSON, and LARRY BASS**

Defendants.

ORDER

On February 20, 2013, this Court ordered the North Carolina Department of Public Safety (DPS) to provide, under seal, the addresses of Defendants Harkleroad and Shook to the Clerk of Court. Plaintiff, who is currently incarcerated, does not possess means to effectuate service otherwise. (Doc. No. 58). On April 17, 2013, following an extension granted by this Court, DPS filed a Motion requesting to be relieved of such duty. (Doc. No. 60).


Federal Rule of Civil Procedure 4(c)(3) provides that upon plaintiff's request, a court may order that service be made by a United States marshal, deputy marshal or person specially appointed by the court, and must so order where the plaintiff is authorized to proceed in forma pauperis. FED. R. CIV. P. 4(c)(3). The Court recognizes that lawsuits involving former employees occur infrequently and are subject to different considerations than those where the defendants remain employed by the DPS. Accordingly, the Court regards service of process by a United States Marshal or Deputy Marshal to be a more appropriate means to effectuate service in

cases where a defendant is no longer actively employed by the DPS.

IT IS, THEREFORE, ORDERED that:

1. The North Carolina Department of Public Safety's Motion (Doc. No. 60) is **GRANTED** and the order to provide addresses of Defendants Harkleroad and Shook (Doc. No. 58, ¶ 5) is **VACATED as it effects The North Carolina Department of Public Safety**. For all other parties, the order (Doc. No. 58) remains in full effect.
2. The Clerk of Court is respectfully directed to prepare process for delivery to the U.S. Marshals Service. Upon receipt, the U.S. Marshals Service shall serve process on Defendants Harkleroad and Shook.

Signed: July 8, 2013



Robert J. Conrad, Jr.
United States District Judge

