

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:17-cv-174-FDW**

KENNETH ANTHONY BATTLE,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
NC DEPARTMENT OF PUBLIC SAFETY,)	
et al.,)	
)	
Defendants.)	
_____)	

THIS MATTER is before the Court on the North Carolina Department of Public Safety’s (“NC PDS”) Sealed Notice, (Doc. No. 23), informing the Court that it has been unable to procure a waiver of service of process for Defendants FNU Hensley, Mark Randall Geouge, and Gregory Taylor in accordance with the Court’s June 14, 2018, Order, (Doc. No. 11). NC DPS has provided the last known addresses for Defendants Hensley, Geouge, and Taylor under seal. (Doc. No. 23).


The Clerk of Court is directed to notify the United States Marshal that Defendants Hensley, Geouge, and Taylor need to be served with the summons and Complaint in accordance with Rule 4 the Federal Rules of Civil Procedure. If Defendants Hensley, Geouge, and Taylor cannot be served at the addresses provided by the NC DPS, the U.S. Marshal shall be responsible for locating their home addresses so that they may be served. See 28 U.S.C. § 1915(d) (in actions brought *in forma pauperis* under § 1915(d), “[t]he officers of the court shall issue and serve all process, and perform all duties in such cases”); Fed. R. Civ. P. 4(c)(3) (“At the plaintiff’s request, the court may order that service be made by a United States Marshal or deputy marshal or by a person specially appointed by the court. The court must so order if the plaintiff is authorized to proceed in forma

pauperis under 28 U.S.C. § 1915....”). If the U.S. Marshal is unable to obtain personal service on Defendants Hensley, Geouge, and Taylor, the U.S. Marshal shall inform the Court of the reasonable attempts to obtain service. The U.S. Marshal shall not disclose Defendants’ home addresses to the *pro se* incarcerated Plaintiff and shall file any document containing such addresses under seal.

IT IS THEREFORE ORDERED that:

- (1) The U.S. Marshal shall use all reasonable efforts to locate and obtain personal service on Defendants Hensley, Geouge, and Taylor at Defendants’ home addresses. If the U.S. Marshal is unable to obtain personal service on Defendants Hensley, Geouge, and Taylor, the U.S. Marshal shall inform the Court of the reasonable attempts to obtain service.
- (2) The Clerk is respectfully instructed to mail a copy of the Complaint, (Doc. No. 1), the Sealed Notice containing Defendants’ last known addresses, (Doc. No. 23), and this Order to the U.S. Marshal.

Signed: August 14, 2018



Frank D. Whitney
Chief United States District Judge

