

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:18-cv-173-FDW**

CIANO KIMBLE,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
DENTON FRANCES, et al.,)	
)	
Defendants.)	
_____)	

THIS MATTER is before the Court on periodic status review of the case.

The Amended Complaint passed initial review on excessive force claims against Madison County Sheriff’s Office employees Denton Frances and FNU Shealton. (Doc. No. 13). The United States Marshal attempted to serve FNU Shealton at the Madison County Sheriff’s Office but the summons was returned unexecuted on September 21, 2108. (Doc. No. 16). The summons form’s “Remarks” section states in relevant part “9/20/2018: Spoke with Sheriff Buddy Harwood and he does not have an officer by that name nor a similar name.” (Doc. No. 16 at 1). Plaintiff is instructed to file a Notice within **ten (10) days** of this Order providing any and all information about FNU Shealton to assist the Marshal in identifying and effectuating service on that individual. Plaintiff shall file with his Notice an updated Summons form so that FNU Shealton may be served. Plaintiff is cautioned that failure to comply with this Order may result in dismissal of the claims against FNU Shealton.


IT IS THEREFORE ORDERED that:

- (1) Plaintiff is instructed to file a Notice within **ten (10) days** of this Order providing any and all information about **FNU Shealton** to assist the Marshal in identifying

and effectuating service on that individual.

- (2) Plaintiff shall file with his Notice an updated summons form for **FNU Shealton**.
- (3) Plaintiff is cautioned that failure to comply with this Order may result in dismissal of the claims against FNU Shealton.

Signed: September 28, 2018



Frank D. Whitney
Chief United States District Judge

