

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:20-cv-00340-MR**

KEITH HARDING, )  
Plaintiff, )  
vs. )  
FNU SCHETTER, et al., )  
Defendants. )  
\_\_\_\_\_  
                                )  
                                ORDER  
                                )

**THIS MATTER** is before the Court on review of the docket in this matter.

Pro se Plaintiff Keith Harding (“Plaintiff”) is a prisoner of the State of North Carolina, currently incarcerated at Bertie Correctional Institution in Windsor, North Carolina. Plaintiff filed this action on November 24, 2020, pursuant to 42 U.S.C. § 1983, naming FNU Schetter and FNU Moody, both identified as employees of Marion Correctional Institution, as Defendants in this matter. [Doc. 1].

On March 10, 2021, this Court conducted its initial review of Plaintiff’s Complaint. [Doc. 9]. On initial review the Court allowed Plaintiff’s Eighth Amendment claims against both Defendants in their individual capacities to

proceed. [Id.]. The Court, however, found that Plaintiff failed to state a claim under the Fourteenth Amendment and for medical malpractice and allowed Plaintiff 30 days to amend his Complaint. [Id.]. The Court ordered that if Plaintiff failed to so amend his Complaint the matter would proceed against Defendants Schetter and Moody on Plaintiff's Eighth Amendment claims only. [Id. at 10-11]. Over 30 days have passed, and Plaintiff has not filed an amended complaint. As such, the Court will order that this matter proceed on Plaintiff's original Complaint.

This Court recently enacted Local Rule 4.3, which sets forth a procedure to waive service of process for current and former employees of the North Carolina Department of Public Safety ("NCDPS") in actions filed by North Carolina State prisoners. In light of the Court's determination that this case passes initial review in accordance with the Court's Order [Doc. 9], the Court will order the Clerk of Court to commence the procedure for waiver of service as set forth in Local Civil Rule 4.3 for Defendants Schetter and Moody, who are alleged to be current or former employees of the NCDPS.

## **ORDER**

**IT IS, THEREFORE, ORDERED** that Clerk of Court shall commence the procedure for waiver of service as set forth in Local Civil Rule 4.3 for

Defendants Schetter and Moody, who are alleged to be current or former employees of NCDPS.

**IT IS SO ORDERED.**

Signed: April 26, 2021



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Martin Reidinger  
Chief United States District Judge

