

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:12-cv-407-RJC**

TROY N. PERSON,)
)
 Plaintiff,)
)
 vs.)
)
 ROBERT C. LEWIS, et al.,)
)
 Defendants.)
 _____)

ORDER

THIS MATTER is before the Court on Plaintiff’s Motion for Copies of Subpoenas, (Doc. No. 19). Plaintiff’s motion is in response to this Court’s order to show cause why this action should not be dismissed for failure to prosecute because Defendants have not been served with process. See (Doc. No. 18). Although Defendants have not been served, the docket does reflect that Plaintiff filled out and mailed summons forms to the Court for service on Defendants on or around March 12, 2013. See (Doc. No. 13). Although Plaintiff has paid the filing fee in this action and he is no longer seeking to proceed in forma pauperis, the Court finds that service by the U.S. Marshal is appropriate since Plaintiff is incarcerated. See 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.”).

IT IS, THEREFORE, ORDERED that:

- (1) Plaintiff’s Motion for Copies of Subpoenas, (Doc. No. 19), is **DENIED** as moot.
- (2) The Clerk shall deliver to the U.S. Marshal the summons forms provided by Plaintiff

for service on the named Defendants. See (Doc. No. 13). If the U.S. Marshal cannot find Defendants at the addresses provided by Plaintiff, the U.S. Marshal shall use all reasonable efforts to locate and serve Defendants.

(3) Plaintiff states in his motion that his new address is: Albemarle Correctional Institution, P.O. Box 460, Badin, NC 28009. The Clerk shall notice the address change on this Court's docket report.

Signed: March 30, 2015



Robert J. Conrad, Jr.
United States District Judge

