

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:16-cv-88-FDW**

RONALD McCLARY,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
BELQUIS HOPKINS, et al.,)	
)	
Defendants.)	
_____)	

THIS MATTER is before the Court on periodic status review.

Pro se Plaintiff Ronald McClary filed this action pursuant to 42 U.S.C § 1983. (Doc. No. 1). The Amended Complaint, (Doc. No. 39), passed initial review on claims against Defendants Hopkins, Mitchell, and Searles. See (Doc. No. 47). Plaintiff prepared summonses and the U.S. Marshals’ Service attempted service, however, the summonses were returned unexecuted. (Doc. No. 54).

The Court recently enacted Local Rule 4.3 that sets forth a procedure to waive service of process for current and former employees of the North Carolina Department of Public Safety (“NC DPS”) in actions filed by North Carolina State prisoners. Due to the difficulty the U.S. Marshal is experiencing in attempting service of process, the Court will order the Clerk to commence the procedure for waiver of service as set forth in Local Rule 4.3 for the unserved Defendants who are current or former employees of NC DPS.

IT IS THEREFORE ORDERED that:

1. The Clerk of Court shall commence the procedure for waiver of service as set forth in Local Rule 4.3 for **Defendants Hopkins, Mitchell, and Searles**, who are current

or former employees of NC DPS.

2. The Clerk is respectfully instructed to mail a copy of this Order to the U.S. Marshal.

Signed: April 10, 2018

A handwritten signature in cursive script, reading "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney
Chief United States District Judge

