

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:16-cv-578-FDW**

WILLIAM CARAWAN, JR.,)
)
 Plaintiff,)
)
 vs.)
)
 FNU MITCHELL, et al.,)
)
 Defendants.)
 _____)

ORDER

THIS MATTER is before the Court on periodic status review.

Pro se Plaintiff filed this action pursuant to 42 U.S.C § 1983 and the Amended Complaint, (Doc. No. 13), passed initial review on claims against the following Defendants: Superintendent Mitchell, Unit Manager Horne, and Officers Lee, Tillman, and Williams. See (Doc. No. 14). Plaintiff prepared summonses and the U.S. Marshals’ Service attempted service. (Doc. No. 15). However, the summons forms were returned unexecuted. (Doc. No. 16).

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 has experienced 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 Horne, Lee, Mitchell, Tillman, and Williams,**

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: May 8, 2018

A handwritten signature in black ink, appearing to read "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney
Chief United States District Judge

