

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:17-cv-455-FDW**

ROBERT S. BALLARD,)	
)	
Plaintiff,)	
)	
vs.)	
)	
G. HAYNES, et al.,)	<u>ORDER</u>
)	
Defendants.)	
_____)	

THIS MATTER is before the Court on periodic status review.

Pro se Plaintiff Robert Ballard filed this action on July 31, 2017, pursuant to 42 U.S.C § 1983. (Doc. No. 1). In the Complaint, Plaintiff alleges that Defendant “G. Haynes,” alleged to have been employed at Lanesboro at all relevant times, was deliberately indifferent to Plaintiff’s serious medical needs while Plaintiff was incarcerated at Lanesboro. On April 25, 2018, the US Marshal returned the summons forms for Defendant G. Haynes as unexecuted, which the explanation that the U.S. Marshal was unable to locate Defendant. (Doc. No. 14).

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. 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 Defendant.

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 Defendant G. Haynes, a current or former employee of NCDPS.

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

Signed: June 20, 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

