RONALD MCCLARY,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	**ORDER**
	)	
FNU GRAHAM,	)	
	)	
Defendant.	)	
	)	

THIS MATTER is before the Court on periodic status review.

Pro se Plaintiff Ronald McClary filed this action on December 8, 2017, pursuant to 42 U.S.C § 1983. (Doc. No. 1). In the Complaint, Plaintiff alleged that at 5:30 a.m. on December 30, 2015, while Plaintiff was on the Anson Unit, "NPod-A-6," at Lanesboro Correctional Institution, Defendant "FNU Graham" slammed Plaintiff's finger into Plaintiff's cell door trap, breaking Plaintiff's finger. (Doc. No. 1 at 3, 5, 7). This Court conducted an initial screening on February 13, 2018, and ordered the U.S. Marshal to serve Defendant "FNU Graham." See (Doc. No. 9). On March 1, 2018, the U.S. Marshal returned as unexecuted a summons form for Defendant Graham, noting that the prison indicated that "five Grahams" worked at Lanesboro, and the prison "need[ed] more identifiers." See (Doc. No. 11 at 1).

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

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Defendant. NCDPS should be able to identify the "Graham" to whom Plaintiff is referring, since Plaintiff has specified the time and place of the alleged use of excessive force.

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 Graham** who is 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: April 23, 2018

Frank D. Whitney
Chief United States District Judge