

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
5:15-cv-102-FDW**

<b>HENRY FORD ADKINS,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b><u>ORDER</u></b>
	)	
<b>RICK JACKSON, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	
_____	)	

**THIS MATTER** is before the Court on periodic status review.

*Pro se* Plaintiff Henry Ford Adkins filed this action pursuant to 42 U.S.C § 1983. (Doc. No. 1). The Amended Complaint, (Doc. No. 24), passed initial review on claims against Defendants Jackson, Oxford, Stover, and Coffey. See (Doc. No. 29). Plaintiff prepared summonses and the U.S. Marshals’ Service attempted service. Defendant Coffey was served and has filed an Answer but the remaining Defendants filed a Motion to Dismiss alleging insufficient service of process and lack of personal jurisdiction. (Doc. No. 46). The Court found that Defendants Oxford, Jackson, and Stover have not been served but denied the Motion to Dismiss so as not to unfairly penalize the *pro se* Plaintiff for relying on the Court and the U.S. Marshals Service to effect service of process. (Doc. No. 55). The Court ordered the U.S. Marshal to use reasonable efforts to locate and obtain personal service on Defendants Oxford, Jackson, and Stover. (Id.). The U.S. Marshal again attempted service on these Defendants and again was unsuccessful. (Doc. Nos. 56, 57).

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 Oxford, Jackson, and Stover**, 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



Frank D. Whitney  
Chief United States District Judge

