

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:16-cv-134-FDW**

KARL L. COVINGTON, JR.,)
)
 Plaintiff,)
)
 vs.)
)
 FNU DUNCAN, et al.,)
)
 Defendants.)
 _____)

ORDER

THIS MATTER is before the Court on periodic status review.

Pro se Plaintiff Karl L. Covington, Jr. filed this action pursuant to 42 U.S.C § 1983. (Doc. No. 1). The Amended Complaint, (Doc. No. 12), passed initial review on claims against Defendants Campo, Duncan, Murray, and Maynor. See (Doc. No. 15). Plaintiff prepared summonses, service was attempted and, despite the U.S. Marshals’ Service’s repeated efforts, service on Defendant Murray has been unsuccessful. See (Doc. Nos. 20, 36, 38).

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 Defendant who is a current or former employee 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 **Defendant Murray** who is a current or former employee 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 black ink, reading "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney
Chief United States District Judge

