

**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 the North Carolina Department of Public Safety’s (“NC PDS”) Sealed Notice informing the Court that it has been unable to procure a waiver of service of process for Defendant Kyle E. Murray in accordance with the Court’s April 10, 2018, Order, (Doc. No. 39). NC DPS has provided Defendant Murray’s last known address under seal. (Id.).


The Clerk of Court is directed to notify the United States Marshal that Defendant Murray needs to be served with the summons and Amended Complaint in accordance with Rule 4 the Federal Rules of Civil Procedure. If Defendant Murray cannot be served at the address provided by the NC DPS, the U.S. Marshal shall be responsible for locating Defendant Murray’s home address so that he may be served. See 28 U.S.C. § 1915(d) (in actions brought *in forma pauperis* under § 1915(d), “[t]he officers of the court shall issue and serve all process, and perform all duties in such cases”); Fed. R. Civ. P. 4(c)(3) (“At the plaintiff’s request, the court may order that service be made by a United States Marshal or deputy marshal or by a person specially appointed by the court. The court must so order if the plaintiff is authorized to proceed in forma pauperis under 28 U.S.C. § 1915 . . . .”). If the U.S. Marshal is unable to obtain personal service on Defendant

Murray, the U.S. Marshal shall inform the Court of the reasonable attempts to obtain service. The U.S. Marshal shall not disclose Defendant Murray's home address to the *pro se* incarcerated Plaintiff, and shall file any document containing such address under seal.

**IT IS THEREFORE ORDERED that:**

- (1) The U.S. Marshal shall use all reasonable efforts to locate and obtain personal service on Defendant Kyle E. Murray at Defendant's home address. If the U.S. Marshal is unable to obtain personal service on Defendant Murray, the U.S. Marshal shall inform the Court of the reasonable attempts to obtain service.
- (2) The Clerk is respectfully instructed to mail a copy of the Amended Complaint, (Doc. No. 12), the Sealed Notice containing Defendant Murray's last known home address, (Doc. No. 44), and this Order to the U.S. Marshal.

Signed: June 12, 2018

  
Frank D. Whitney  
Chief United States District Judge

