

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

WILLIE JOHNSON,	:	Case No. 1:22-cv-00031
	:	
Plaintiff,	:	District Judge Matthew W. McFarland
	:	Magistrate Judge Caroline H. Gentry
vs.	:	
	:	
WILLIAM COOL, <i>et al.</i> ,	:	
	:	
Defendants.	:	ORDER

On February 22, 2022, the Court issued an Opinion and Order finding that Plaintiff could proceed with his Eighth Amendment claims against Defendants in this prisoner civil rights action. (Doc. 7). The Court ordered that the United States Marshal issue service on Defendants. (*Id.* at PageID 77–78). However, because Plaintiff paid the filing fee in this matter and is not proceeding *in forma pauperis*, he is responsible for serving the complaint on Defendants in compliance with the Federal Rules of Civil Procedure. *See* Fed. R. Civ. P. 4.

It is therefore **ORDERED** that the February 22, 2022 Opinion and Order (Doc. 7) is **VACATED** to the extent that it ordered service by the United States Marshal.

Plaintiff is **ORDERED** to serve a summons and copy of the complaint on Defendants William Cool, Denny, Goodman, Doctor Conley, and on Jon Does 1-6, if and when Plaintiff discovers the identity of the unnamed Defendants through discovery. Failure to comply with the terms of this Order shall result in a Report and Recommendation to the District Court that Plaintiff's claims against Defendants be dismissed for lack of service. Any questions regarding service should be directed to the Clerk of Court.

IT IS SO ORDERED.

March 2, 2022

s/Caroline H. Gentry

Caroline H. Gentry
United States Magistrate Judge