

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

WARREN EASTERLING,

Plaintiff,

:

Case No. 3:14-cv-226

-vs-

District Judge Walter H. Rice

Magistrate Judge Michael R. Merz

:

JUDGE DALE CRAWFORD,

Defendant.

**ORDER QUASHING SERVICE OF ALIAS PROCESS AND PROOF
OF SERVICE**

This case is before the Court upon Plaintiff's Notice of Service Being Perfected on 8/27/2014 (Doc. No. 13). Preserving his claim that he previously made good service on Defendant Judge Dale Crawford, Plaintiff now offers documentation to "confirm service by the U.S. Postal Service to the defendant's home address with electronic delivery confirmation." *Id.* at PageID 69.

Alias process was issued in this case on August 24, 2014 (Doc. No. 12). On August 25, 2014, Plaintiff deposited a package with the United States Postal Service directed to an address in Columbus, Ohio, and paid for priority mail second day service. No copy of what was deposited in the mail has been furnished, but the Court accepts Plaintiff's implicit representation that it was the Summons and a copy of the Complaint. Using the service provided at

www.packagetracer.com,¹ Plaintiff tracked the package to its delivery using the tracking number provided by the Postal Service. Plaintiff attaches tax records of the Franklin County, Ohio, auditor, which show that Anne M. Crawford and Dale A. Crawford have a particular tax mailing address in Columbus, Ohio, and the Court also accepts Plaintiff's implicit representation that that is the address on the package he deposited with the Postal Service.

However service by U.S. mail is not one of the methods permitted for serving an individual under Fed. R. Civ. P. 4(e). Fed. R. Civ. P. 4(e) does permit use of any method for service of process allowed by state law for process from the Court of Common Pleas. Ohio R. Civ. P. 4.1 allows residential service, personal service, certified or express mail service made by the clerk of courts, or service by the clerk by use of a commercial carrier service which requires a signed receipt. Plaintiff's purported service on Judge Crawford satisfies none of these alternatives.

Finally, Fed. R. Civ. P. 4(l) requires proof of service to be made by sworn affidavit and no such affidavit appears among the papers Plaintiff has filed purporting to prove service. Purported proof of service (Doc. No. 13) is therefore also QUASHED.

September 2, 2014.

s/ *Michael R. Merz*
United States Magistrate Judge

¹ This service is not provided by the United State Postal Service.