

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

WARREN EASTERLING,

Plaintiff,

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Case No. 3:19-cv-112

- vs -

Chief Judge Edmund A. Sargus, Jr.

Magistrate Judge Michael R. Merz

DONALD J. TRUMP, et al.,

Defendants.

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**DECISION AND ORDER STRIKING PURPORTED RESPONSE TO  
RENEWED ORDER TO FILE PROOF OF SERVICE**

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On May 21, 2019, the undersigned, for a second time, ordered Plaintiff to file forthwith proof of service, in the form required by Fed.R.Civ.P. 4(l), as to each Defendant he claims has been served (ECF No. 23). On May 28, 2019, Plaintiff filed a document entitled “Plaintiff’s: Respond to the Order to File Proof of Service (Doc. # 23)”. Said document is hereby STRICKEN for the following non-exclusive reasons:

1. Plaintiff falsely claims “Attached is a copy of what is on file in the clerk's office for all nine Defendants where this would confirm proper execution of service of process.” Nothing whatsoever is attached to the Respond, so the document is false on its face.

2. Fed.R.Civ.P. 4(l)(1) provides in pertinent part: “Except for service by a United States marshal or deputy marshal, proof must be by the server’s affidavit.” The Court expressly ordered proof be made “in the form required by Fed.R.Civ.P. 4(l).” No affidavit by the server has been provided.

3. Plaintiff asserts “On file in the clerk's office is proof of service confirmed by a signed green card from the U.S. Postal Service signifying receipt of the complaint and a summons form executed by the clerk of courts.” Whatever the filed green cards prove, they do not prove service of process by certified mail on any of the named Defendants. The Magistrate Judge has confirmed with each of the Deputy Clerks of court at Dayton that none of them has received from Plaintiff any envelope prepared for mailing by certified mail in the manner required by S. D. Ohio Civ. R. 4.2 nor have they mailed any such envelope. S. D. Ohio Civ. R. 4.2 provides the exclusive method by which certified mail service can be made of a summons and complaint issued by this Court.

Thus far Plaintiff has failed completely (i.e., as to each named Defendant) to prove service of process in the manner provided by Fed.R.Civ.P. 4(l). The Court Order that he do so forthwith remains outstanding.

May 29, 2019.

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