

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

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| BYRON WATSON, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. CIV-14-454-RAW-SPS |
| |) | |
| CORRECTIONS CORPORATION OF AMERICA, et al., |) | |
| |) | |
| Defendants. |) | |

OPINION AND ORDER


On October 8, 2015, the Court directed Plaintiff to show cause why Defendants Kathy Miller and Dr. Mark Reiheld should not be dismissed from this action for failure to serve Miller and Reiheld in accordance with Fed. R. Civ. P. 4(m) (Dkt. 35). Plaintiff responded to the Court’s order and advised he attempted to serve these defendants at his facility, but neither was employed there at the time of attempted service by the United States Marshals Service (Dkts. 21, 22, 36). Because Plaintiff does not have access to the current addresses for Defendants Miller and Reiheld, he has asked the Court for assistance in obtaining this information for service by the U.S. Marshals (Dkt. 36).

The Court has reviewed the record and finds Plaintiff has shown good cause for his failure to serve Defendants Miller and Reiheld. *See Olsen v. Mapes*, 333 F.3d 1199, 1204-05 (10th Cir. 2003) (“Because there is no evidence in the record that Plaintiffs failed to cooperate with the U.S. Marshals or were otherwise not entitled to their service, we find they were not culpable for their failure to comply with the Federal Rules of Civil Procedure or the court’s orders.”).

ACCORDINGLY, Defendant Warden Tim Wilkinson is directed to provide to the United States Marshals Service for the Eastern District of Oklahoma within fourteen (14) days the last known addresses for Defendant Kathy Miller and Defendant Dr. Mark Reiheld. Defendant Wilkinson shall notify the Court and Plaintiff of compliance with this Order.

The Court Clerk shall send Plaintiff Forms USM-285 for Defendants Kathy Miller and Dr. Mark Reiheld. Plaintiff shall sign and return the forms to the Court within fourteen (14) days of receiving notice that the Marshals Service has been provided with current addresses for Miller and Reiheld.

IT IS SO ORDERED this 18th day of July 2016.



Steven P. Shreder
United States Magistrate Judge
Eastern District of Oklahoma