

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

RICHARD LYNN DOPP,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-16-1164-D
)	
BUDDY HONAKER et al.,)	
)	
Defendants.)	

ORDER

Plaintiff Richard Dopp, an Oklahoma prisoner appearing pro se and proceeding *in forma pauperis*, has filed this action seeking relief under 42 U.S.C. § 1983 for violations of his federal constitutional rights. *See generally* Am. Compl. (Doc. Nos. 9 to 9-9). Plaintiff’s Amended Complaint names ten individual Defendants: Buddy Honaker, Theresa Sellers, Joel McCurdy, Stephen Paine, Shirley May, Laura Neefe, Bob Thompson, Jeffrey Troutt, a Ms. Baird, and a Dr. Neau. *See id.* at 1, 4-6. Defendants Honaker, May, McCurdy, Thompson, and Troutt are medical professionals employed by the Oklahoma Department of Corrections (“ODOC”), which operates North Fork Correctional Center (“NFCC”) in Sayre, Oklahoma. *See id.* at 4-6. Defendants Baird, Neau, Neefe, Paine, and Sellers are medical professionals currently or formerly employed by Corrections Corporation of America (“CCA”), which operates Cimarron Correctional Facility (“CCF”) in Cushing, Oklahoma, under a contract with ODOC. *See id.* at 5-6; Sellers Return (Doc. No. 26) at 1. The matter is currently before the Court on Plaintiff’s motion seeking limited discovery and an extension of time to serve Defendants Sellers and Troutt. Pl.’s Mot. (Doc. No. 45) at 1-3; Fed. R. Civ. P. 4(m).

On April 27, 2017, the undersigned issued an Order directing Plaintiff to cause a copy of his Amended Complaint, along with an executed summons issued by the Court Clerk, to be served on each named Defendant in accordance with Rule 4 of the Federal Rules of Civil Procedure. Order Requiring Serv. & Special R. (Doc. No. 10) at 1-4. The order also authorized the United States Marshals Service (“USMS”) to attempt service on each Defendant for whom Plaintiff properly completed a request for the issuance of summons. *Id.* at 2. With this assistance, Plaintiff had 90 days from the date of the Order—i.e., until July 26, 2017—to serve each Defendant and to ensure that a waiver or proof of service for each Defendant was filed with the Court. *See id.* The Court has received waivers or executed returns of service for nine of the ten named Defendants, and counsel have entered their appearances on behalf of those individuals. *See generally* Entries of Appearance by Lexie O’Brien (Doc. Nos. 27, 41, 43) (on behalf of Defendants Honaker, McCurdy, May, Thompson, and Troutt); Entry of Appearance by Darrell Moore (Doc. No. 32) (on behalf of Defendants Baird, Neau, Neefe, and Paine).

However, the summons for Theresa Sellers was returned unexecuted with a note certifying that the Deputy U.S. Marshal was “unable to locate” Ms. Sellers because she was “no longer at [the] facility” and, despite Plaintiff’s prediction that “CCF ha[d] info as to her place of residence,” there was “no forwarding address” for Ms. Sellers. Sellers Return at 1. Plaintiff now seeks a court order directing the “CCA & ODOC Defs.” to “provid[e] contact information” that will allow Plaintiff, through the USMS, to serve process on Defendants Sellers and Troutt. Pl.’s Mot. at 2. There is some indication that Plaintiff tried to obtain this information on his own, but that officials with “CCF/CCA and

ODOC refuse[d] to provide” the information to Plaintiff directly. *Id.* at 2. Plaintiff also seeks an additional 90 days to file waivers or proofs of service for Defendants Sellers and Troutt. *Id.* Plaintiff’s motion (Doc. No. 45) is hereby GRANTED in part and DENIED in part as outlined below.

Plaintiff’s requests as they pertain to Defendant Troutt are DENIED. Such requests are moot because Defendant Troutt has been served. *See* Entry of Appearance by Lexie O’Brien (Doc. No. 43) at 1 (filed July 14, 2017); Troutt Return (Doc. No. 38) at 1 (filed June 30, 2017).

Plaintiff’s requests as they pertain to Defendant Sellers are GRANTED IN PART. Although service is ultimately Plaintiff’s responsibility, the Court understands that it is often “unreasonable to expect incarcerated and unrepresented prison-litigants to provide the current addresses” of prison employees for the purpose of service. *See Richardson v. Johnson*, 598 F.3d 734, 739-40 (11th Cir. 2010); *see also Morrow v. Jones*, No. CIV-09-633-M (W.D. Okla. Nov. 2, 2009). The Court also understands that providing home addresses of current or former prison employees to an incarcerated person raises security concerns. Balancing these considerations, as well as the fact that judicial efficiency requires this case to move forward, Plaintiff’s request for “limited discovery” is granted to the following extent:

1. Plaintiff’s request that he be given access to any available information regarding Defendant Sellers’ last known home address is denied.
2. If any Defendant possesses personal knowledge or records reflecting the last known home addresses of Theresa Sellers, that Defendant is ordered to file the address, under seal, with the Court by **August 17, 2017**.

3. No Defendant or attorney is required to take any action to determine Ms. Sellers' last known home addresses from any outside source; rather, if no such information is possessed by a Defendant, he or she should file a notice by the above deadline advising Plaintiff and the Court of that fact. Defendants may file joint notices.
4. Upon receipt of an address for Ms. Sellers filed in accordance with the above instructions, the Court Clerk is directed to provide the address to the USMS in a manner that ensures its confidentiality, along with a copy of the Amended Complaint (Doc. Nos. 9 to 9-9), the Court's April 27, 2017 Order (Doc. No. 10), this Order, and a summons for service upon Theresa Sellers.
5. The USMS will ensure that any address provided for Theresa Sellers remains confidential and does not appear on any document sent by the USMS to Plaintiff or filed with the Court, including any Process Receipt and Return Form (USM-285).

-and-

6. For good cause shown, Plaintiff's request for an additional 90 days to file a waiver or proof of service as to Defendant Sellers is GRANTED in part. *See* Fed. R. Civ. P. 4(d)(4), (l), (m); *Espinoza v. United States*, 52 F.3d 838, 841 (10th Cir. 1995). Plaintiff's Rule 4(m) deadline is hereby STAYED. Upon receipt of the information discussed above, the Court may extend the deadline for an appropriate, specified period. *See* Fed. R. Civ. P. 4(m).

IT IS SO ORDERED this 27th day of July, 2017.



CHARLES B. GOODWIN
UNITED STATES MAGISTRATE JUDGE