

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Romell Holmes,)	C/A No. 0:17-1257-HMH-PJG
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Ed Carrol, <i>Barnwell Detention Center</i> ; Latoya)	
Buckton, <i>Southern Health Partner</i> ; Deloris)	
Charlton, <i>Administrator at Barnwell County</i>)	
<i>Detention Center</i> ,)	
)	
Defendants.)	
_____)	

This is a civil action filed by a self-represented state prisoner. Under Local Civil Rule 73.02(B)(2) (D.S.C.), pretrial proceedings in this action have been referred to the assigned United States Magistrate Judge.

By order dated October 3, 2017, the court authorized the issuance and service of process against the defendants. (ECF No. 22.) The summonses were returned executed on October 16, 2015. (ECF No. 29.) However, Defendants Carroll and Charlton have not filed a responsive pleading, and the time to do so has passed. Additionally, no counsel has entered an appearance on their behalf.

Pursuant to Federal Rule of Civil Procedure 55(a), the Clerk of Court must enter default against Defendants Carroll and Charlton if it can be shown by affidavit or otherwise that the defendants have failed to plead or otherwise defend. However, entry of default at this time does not appear to be appropriate because the Process Receipt and Return for those defendants appear to show

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that individuals other than the named defendants accepted service on their behalf. (ECF No. 29 at 1, 3.)

Consequently, it is hereby

ORDERED that Plaintiff be given fourteen (14) days from the date of this order to provide the court with evidence that the individuals listed on the Process Receipt and Returns for Defendants Carroll and Charlton were authorized to accept service on behalf of those defendants pursuant to Rule 4(e)(2)(C) of the Federal Rules of Civil Procedure. If Plaintiff fails to produce evidence that Defendants Carroll and Charlton have been properly served, the court may dismiss those defendants pursuant to Federal Rule of Civil Procedure 4(m).

IT IS SO ORDERED.



Paige J. Gossett
UNITED STATES MAGISTRATE JUDGE

November 30, 2017
Columbia, South Carolina