

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

James M. Branham,)	C/A No.: 1:11-1246-JFA-SVH
)	
Plaintiff,)	
)	
vs.)	
)	ORDER
Sheriff Bruce M. Bryant, and)	
John A. Clark, both sued in their)	
individual capacities,)	
)	
Defendants.)	
_____)	

This is a civil action filed by a state prisoner proceeding *in forma pauperis*. 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.

This order is issued because of Plaintiff’s provision of service documents identifying the Defendant who was originally called “John Doe” as “John A. Clark.” Plaintiff states on his Form USM-285 that Clark is a “deputy at York County Sheriffs Dept.” [Entry #37, #57]. The defendant who was originally named and who has appeared in this case through counsel is the Sheriff of York County, Bruce M. Bryant. Under the circumstances, it is reasonable to assume, though not a certainty, that because counsel answered for “purported Defendant ‘John Doe,’” as well as for Defendant Bryant, [Entry #20], current defense counsel will also be employed to represent the now-identified “John Doe” defendant: John A. Clark.

Unless the formal issuance of process and personal service for Defendant John A. Clark is waived, this case will necessarily be delayed and require additional expenditure of court resources through the time and effort required to enlist the assistance of the United States Marshal Service to personally serve Defendant John A. Clark. Such delay and expenditure of resources would be reduced if current defense counsel can waive formal service of process and enter an appearance on behalf of Defendant John A. Clark.

TO DEFENSE COUNSEL:

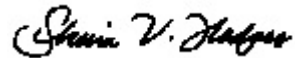
Current counsel for Defendants is granted until **April 19, 2012**, in which file a notice with the court indicating whether or not counsel can and will waive formal service of process and enter an appearance on behalf of Defendant John A. Clark.

TO THE CLERK OF COURT:

The Clerk of Court is directed that if defense counsel files a notice indicating that service of process is waived on behalf of Defendant John A. Clark, then this case shall proceed in the usual course.

However, if current Defendants' counsel files a notice indicating that Clark does not waive formal issuance of process and service, then this case should be returned to the undersigned for further consideration.

IT IS SO ORDERED.



April 5, 2012
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge