

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

Robert Fletcher Herbert,	)	C/A No. 3:13-1354-CMC-PJG
	)	
Plaintiff,	)	
	)	
v.	)	<b>ORDER</b>
	)	
Edward Del Prestigiacomo,	)	
	)	
Defendant.	)	
_____	)	

This is a civil action filed by a state prisoner. Therefore, in the event that a limitations issue arises, Plaintiff shall have the benefit of the holding in Houston v. Lack, 487 U.S. 266, 272 (1988) (prisoner’s pleading was filed at the moment of delivery to prison authorities for forwarding to District Court). Under Local Civil Rule 73.02(B)(2) DSC, pretrial proceedings in this action have been referred to the assigned United States Magistrate Judge.

By Order dated May 31, 2013, Plaintiff was given a specific time frame in which to bring this case into proper form. Plaintiff has complied with the court’s Order, and this case is now in proper form.

**TO THE CLERK OF COURT:**

This case is subject to summary dismissal based on an initial screening conducted pursuant to 28 U.S.C. §1915 and/or 28 U.S.C. § 1915A. Therefore, the Clerk of Court shall ***not*** issue the summons or forward this matter to the United States Marshal for service of process at this time.

**IT IS SO ORDERED.**

  
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 Paige J. Gossett  
 UNITED STATES MAGISTRATE JUDGE

August 19, 2013  
Columbia, South Carolina