

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

Corey Jawan Robinson, # 294233,)
)
 Plaintiff,)
)
 v.)
)
 Cpt. T. Clark; Ms. D. Bailey, Classification; Lt. J.)
 Williams; Officer S. Mosher; Sgt. J. Aranda; Lolita M.)
 Lee; Sherisse D. Birch; Loretta Aiken; Warden Wayne)
 McCabe; IGC B. J. Thomas; Ofc. J. Middleton; Ofc.)
 Jeremy Johnson; Nurse Luanne Mauney; Nurse J. Scott;)
 Ann Hallman; Ofc. Tabitha Ford; Ms. S. Jones; Cpt.)
 William Brighttharp; Major Thierry Nettles; Assoc.)
 Warden Fred Thompson; and Cpt. Ann Sheppard,)
)
 Defendants.)
 _____)

C/A No. 5:12-502-JMC-KDW

ORDER

This matter is before the court because on July 31, 2012, the United States Marshal filed a service of process form (USM-285) with the Clerk of Court to inform this court that service of process upon Sgt. J. Aranda could not be accomplished. *See* USM-285 Return Unexecuted, ECF No. 91. The Marshal indicated on the form that J. Aranda apparently is no longer employed by SCDC and he was unable to locate the individual. *Id.*

TO THE CLERK OF COURT:

In addition to a copy of this Order and a copy of the USM-285 Return Unexecuted, ECF No. 91, the Clerk of Court is directed to send to Plaintiff one summons and one Form USM-285.

After twenty-one (21) days (plus three days for mail time) has passed, the Clerk of Court is directed to return this case to the undersigned so that the court may authorize service of process upon J. Aranda at a different address or dismiss him without prejudice.

TO PLAINTIFF:

Plaintiff is given twenty-one (21) days from the date this Order is entered (plus three days for mail time) to complete and return to the Clerk of Court a new summons form and Form USM-285 for Sgt. J. Aranda with a new updated address for the unserved defendant. If Plaintiff cannot obtain a new updated address for Sgt. J. Aranda, he must notify the court in writing whether he agrees to dismiss the defendant without prejudice *or* whether he seeks additional time for service of process with supporting reasons for such a request.

Plaintiff's attention is directed to Rule 4(m) of the Federal Rules of Civil Procedure that provides,

[i]f a defendant is not served within 120 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Fed. R. Civ. P. 4(m).

Plaintiff is hereby warned that if he does not respond to this Order and/or does not provide a new summons form and Form USM-285 for Sgt. J. Aranda with a new updated address for the unserved defendant, this court will recommend that Sgt. J. Aranda be dismissed without prejudice.

IT IS SO ORDERED.



August 2, 2012
Florence, South Carolina

Kaymani D. West
United States Magistrate Judge