

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
NORTHERN DIVISION

|                                      |   |                       |
|--------------------------------------|---|-----------------------|
| ALLEN RAINES,                        | ) | Civ. 08-1016-AWB      |
| ERLENE RAINES                        | ) |                       |
|                                      | ) |                       |
| Plaintiffs,                          | ) |                       |
|                                      | ) |                       |
| vs.                                  | ) |                       |
|                                      | ) |                       |
| RONALD HOLLINGSWORTH,                | ) |                       |
| JACK VON WALD,                       | ) | ORDER GRANTING        |
| LONALD L. GELLHAUS,                  | ) | PLAINTIFFS' MOTION TO |
| CARLYLE RICHARDS,                    | ) | HAVE COMPLAINT SERVED |
| MARK MCNEARY,                        | ) |                       |
| LORI EHLERS,                         | ) |                       |
| KIMBERLY DORSETT,                    | ) |                       |
| TONY PORTA, and                      | ) |                       |
| SCOTT MYREN, in all their individual | ) |                       |
| and official capacities              | ) |                       |
|                                      | ) |                       |
| Defendants.                          | ) |                       |

Plaintiffs filed their complaint in this matter on August 28, 2008. On October 10, 2008, the Court notified Plaintiffs that failure to serve Defendants before December 27, 2008, may result in the action being dismissed without prejudice pursuant to Federal Rule of Procedure 4(m). Docket 10. On December 30, 2008, Plaintiffs filed a motion to have the United States Marshals serve the Defendants with the complaint in this matter, stating that they are unable to serve the defendants themselves since they are currently jailed in Brown County, South Dakota. Docket 12.

Federal Rule of Civil Procedure 4(c)(3) states that “[a]t the plaintiff’s request, the court may order that service be made by a United States marshal or deputy

marshal[.]” Plaintiffs have made such a request, and have asserted that they are unable to serve the Defendants personally as they are currently incarcerated. Further, Plaintiffs brought this case pro se, so they have no counsel to serve the summons and complaint. Therefore, good cause appearing, it is hereby

ORDERED that the United States Marshal is appointed to serve summons and complaint upon all Defendants in this matter and to make return of service of the summons and complaint.

Dated February 5, 2009.

BY THE COURT:

*/s/ Andrew W. Bogue*

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ANDREW W. BOGUE  
SENIOR DISTRICT JUDGE