

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA

**FILED**  
NOV 16 2009

*[Signature]*  
CLERK

SOUTHERN DIVISION

\*\*\*\*\*

WILLIAM CODY, and others  
similarly situated,

Plaintiff,

vs.

DOUGLAS WEBER; D. BIEBER;  
S. BODDECKER; RODNEY BROCKHOFT;  
MARY BURGGRAFF; GINA  
BUTTERWORTH; KEITH DITMANSON;  
LISA FRASER; E. IBRISEVIC; W. IRWIN;  
ROBERT KUEMPER; PAUL KURLE;  
TOM LINNEWEBER; DOUGLAS LOEN;  
JOE MILLER; MICHELLE OAS; L. PERSON;  
TROY PONTO; TERRY REISNER;  
C. RENAUDIN; B. SCHAEFER;  
DARYL SLYKHUIS; OWEN SPURRELL;  
GARY TAYLOR; G. VANVOORST;  
BRAD WOODWARD; TIM REISCH;  
and others unknown, in their official and  
individual capacities,

Defendants.

CIV. 08-4024

ORDER ON MOTION

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WILLIAM R. CODY,

Plaintiff,

vs.

DOUGLAS LOEN; DENNIS BLOCK;  
S. BODDECKER; BARBARA BOLDT;  
RODNEY BROCKHOFT; B. CONERS;  
A. CRAMER; GLEN DEAN;  
CLIFFORD FANTROY; LISA FRASEN;

CIV. 07-4110

LINDA MILLER-HUNOFF; CO IBRISEVIC; \*  
W. IRWIN; ROBERT KUEMPER; \*  
PAUL KURLE; TOM LINNEWEBER; \*  
MR. PERSON; TROY PONTO; \*  
TERRY REISNER; CO RENAULDIN; \*  
B. SCHAEFER; DARYL SLYKHUIS; \*  
JULIE SPURRELL; OWEN SPURRELL; \*  
MR. STRAATMEYER; CPL. VANVOORST; \*  
REBECCA WEAVER; BRAD WOODWARD; \*  
DOUGLAS WEBER; TIM REISCH; \*  
all in their official and unofficial capacities; \*

Defendants. \*

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Pending is Plaintiff's Motion for Assistance with Service (Doc. 105) which requests "the Court assist him in the service of his [Fourth] Amended Complaint" upon certain defendants. Specifically, Plaintiff requests the Court provide whatever assistance is allowed it to cause service upon seven defendants whom are no longer employed at the prison.

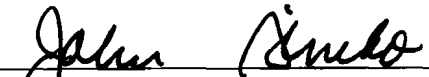
Personal investigation of a case is beyond the scope of the magistrate judge's function. *Gentile v. Missouri Dept of Corrections*, 986 F.2d 214, 217 (8<sup>th</sup> Cir. 1993).

Accordingly, it is hereby

ORDERED that Plaintiff's Motion for Assistance with Service (Doc. 105) is DENIED.

Dated this 16 day of November, 2009.

BY THE COURT:

  
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John E. Simko  
United States Magistrate Judge