

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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ISAAC LEE HYKES,

Plaintiff,

vs.

TIMOTHY F. GEITHNER,

Defendant.

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No. 11-2720-STA-dkv

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ORDER OF PARTIAL DISMISSAL  
ORDER SUBSTITUTING CORRECT DEFENDANT  
AND  
ORDER TO ISSUE AND EFFECT SERVICE OF PROCESS

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On August 23, 2011, Plaintiff Isaac Lee Hykes, a resident of Memphis, Tennessee, filed a pro se complaint pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq. (ECF No. 1.) Plaintiff paid the civil filing fee. (ECF No. 2.) The Clerk shall record the defendant as Timothy F. Geithner, the Secretary of the Treasury.<sup>1</sup>

Within thirty (30) days of the date of entry of this order, either by appearing in person or through the mail, Plaintiff shall present the Clerk with the required number of properly completed

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<sup>1</sup> Although the Complaint names the Internal Revenue Service ("IRS") as the sole defendant, Title VII suits against an agency of the federal government must be brought in the name of the head of the agency. 42 U.S.C. § 2000e-16(c). The IRS is a bureau of the Department of the Treasury.

summonses.<sup>2</sup> If the summonses are in proper form, the Clerk shall sign, seal, and issue them to Plaintiff for service on Defendant.

Plaintiff is responsible for ensuring that service is effected on Defendant pursuant to Rule 4(i)(2) of the Federal Rules of Civil Procedure.<sup>3</sup> Plaintiff shall file proof of service pursuant to Fed. R. Civ. P. 4(1).

It is further ORDERED that Plaintiff shall serve a copy of every document filed in this cause on the attorneys for Defendant. Plaintiff shall make a certificate of service on every document filed. Plaintiff shall familiarize himself with the Federal Rules of Civil Procedure and this Court's local rules.<sup>4</sup>

Plaintiff shall promptly notify the Clerk of any change of address or extended absence. Failure to comply with these requirements, or any other order of the Court, may result in the dismissal of this case without further notice.

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<sup>2</sup> Blank, unsigned summons forms can be obtained from the Clerk upon written request. Any such request should include a copy of this order. Plaintiff is responsible for properly filling out the summonses and presenting them to the Clerk for signature and seal. Fed. R. Civ. P. 4(b).

<sup>3</sup> Plaintiff also must comply with Rule 4(c)(2), which requires, in part: "Any person who is at least 18 years old and not a party may serve a summons and complaint."

<sup>4</sup> A free copy of the Local Rules may be obtained from the Clerk. The Local Rules are also available on the Court's website at [www.uscourts.gov/pdf/content/LocalRules.pdf](http://www.uscourts.gov/pdf/content/LocalRules.pdf).

Plaintiff is advised that the time limit set forth in Fed. R. Civ. P. 4(m) shall commence running on the date of entry of this order.

IT IS SO ORDERED this 18<sup>th</sup> day of November, 2011.

**s/ S. Thomas Anderson**  
S. THOMAS ANDERSON  
UNITED STATES DISTRICT JUDGE