

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

BENJAMIN F. MILES, IV,)
)
 Plaintiff,)
)
 VS.)
)
 SHELBY COUNTY CRIMINAL)
 JUSTICE CENTER, ET AL.,)
)
 Defendants.)

No. 19-2241-JDT-cgc

ORDER TO ISSUE THIRD PARTY SUBPOENA

The *pro se* prisoner Plaintiff, Benjamin F. Miles, IV, filed a complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1.) The Court subsequently dismissed portions of the complaint and directed that process be issued for the remaining Defendants, including Taliha Barker, who was identified in the complaint as a Corrections Officer at the Shelby County Criminal Justice Center (SCCJC) in Memphis, Tennessee. (ECF No. 6.) However, the U.S. Marshal returned the summons for Barker unexecuted. (ECF No. 11.) The Marshal noted on the return that Barker is no longer employed at the SCCJC. (*Id.* at PageID 51, 53.)

Because Miles is incarcerated, he cannot reasonably be expected to take further steps to locate the current address of Defendant Barker. Therefore, it is the Court’s responsibility to ensure that process is served, if possible. *See Byrd v. Stone*, 94 F.3d 217,

219 (6th Cir. 1996). Accordingly, the Clerk is DIRECTED to issue a third-party subpoena for the Shelby County Sheriff's Office and deliver it to the U.S. Marshal for service, along with a copy of this order. The subpoena shall direct the Shelby County Sheriff's Office, 201 Poplar Avenue, 9th Floor, Memphis, Tennessee 38103, to provide to the Court either the current place of employment or the last known home address and telephone number of Defendant Taliha Barker, who was formerly employed as a Corrections Officer at the SCCJC. The information shall be provided to the Court within thirty (30) days after service of the subpoena.

Any information regarding Defendant Barker's home address and telephone number provided in compliance with this subpoena shall not be made available to Plaintiff Miles, but shall be filed by the Clerk *ex parte* and under seal. If sufficient information is provided regarding Defendant Barker's whereabouts, the Clerk shall re-issue process and deliver it to the Marshal for service.

IT IS SO ORDERED.

s/ **James D. Todd**
JAMES D. TODD
UNITED STATES DISTRICT JUDGE