

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

FREDDY S. CAMPBELL,

Plaintiff

v.

Civil Action No. 2:09-0503

UNITED STATES OF AMERICA;
CARTER COUNTY DETENTION CENTER;
RANDY BINION, Chief Jailer-Carter
County Detention Center; JOHN
PERRINE, Supervising Marshal-
United States Marshals Service;
BRENDA WILBURN, R.N.-Carter
County Detention Center,

Defendants

MEMORANDUM OPINION AND ORDER

Pending is the motion to dismiss of John Perrine, in his individual capacity, seeking dismissal pursuant to Federal Rule of Civil Procedure 12(b)(5) for insufficient service of process, filed June 25, 2009.

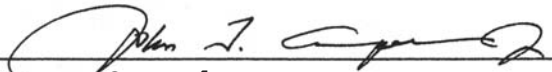
Perrine contends that the plaintiff improperly served him by serving a person not authorized by him to accept service on his behalf. Although he seeks dismissal, Perrine, in his motion also states that he is willing to accept a waiver of service of process if it is acceptable to the court and to plaintiff's counsel to do so. The plaintiff states in his response that he would accept a waiver of service on behalf of

Perrine.

Inasmuch as the parties appear to agree to a waiver of service of process, it is ORDERED that Perrine's motion to dismiss be, and it hereby is, denied as moot.

The Clerk is directed to forward copies of this written opinion and order to all counsel of record.

DATED: February 5, 2010



John T. Copenhaver, Jr.
United States District Judge