

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

JAMES MONROE DAILEY,

Plaintiff,

v.

RN KIMBERLY GRAY, *et al.*,

Defendants.

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Case No. 4:22-cv-139-CDL-MSH

ORDER

Plaintiff filed his Complaint pursuant to 42 U.S.C. § 1983 on September 13, 2022 (ECF No. 1). As Plaintiff is proceeding *in forma pauperis*, the officers of the Court must “issue and serve all process, and perform all duties in such cases.” 28 U.S.C. § 1915(d). After some considerable confusion as to the identity of several of Defendants, the Court has attempted to serve two remaining Defendants now known as Defendants Kimberly Gray and Josalin Jackson (ECF No. 66). It appears, however, that Defendants Kimberly Gray and Josalin Jackson no longer work at Rutledge State Prison, according to the unexecuted process receipt and returns now on file (ECF Nos. 74, 75). Defense counsel suggest that they may have information as to the location of Defendants Kimberly Gray and Josalin Jackson. *See* Defs. Judy Jackson & Wilson Mot. to Set Aside n.1, ECF No. 60.

Plaintiff is *pro se* and is proceeding *in forma pauperis*. Therefore, it is the duty of the officers of the court to issue and serve all process. In fact, in the Eleventh Circuit, *in forma pauperis* litigants are “entitled to rely on the court officers and United States

Marshals to effect proper service, and should not be penalized for failure to effect service where such failure is not due to fault on the litigant's part.” *Fowler v. Jones*, 899 F.2d 1088, 1095 (11th Cir. 1990). The Court, however, cannot serve a defendant without sufficient information to locate her. Accordingly, the Court is directing defense counsel to provide further information in one last attempt to serve Defendants Kimberly Gray and Josalin Jackson. Counsel for Defendants Judy Jackson and Stephanie Wilson are **DIRECTED** to electronically file any known location information regarding Defendants Kimberly Gray and Josalin Jackson, to include a current street and mailing address, or if unknown, then their last known street and mailing address **WITHIN FOURTEEN (14) DAYS** of the date of this Order. Counsel should use the “**ex parte document**” event followed by “**response to court order**” when providing any location information.

SO ORDERED and DIRECTED, this 13th day of February, 2024.

/s/ Stephen Hyles

UNITED STATES MAGISTRATE JUDGE