

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

United States of America *ex rel* Bobby
Knight,

Plaintiff,

v.

Jeh Charles Johnson, *Department of*
Homeland Security Secretary, et al.,

Defendants.

Civil Action No. 2:15-cv-03199-DCN-MGB

ORDER

This is a civil action filed by a *pro se* litigant. Under Local Civil Rule 73.02(B)(2) of the United States District Court for the District of South Carolina, pretrial proceedings have been referred to the assigned United States Magistrate Judge.

By Order dated October 27, 2016, Plaintiff was given a specific time frame in which to bring this case into proper form. (Dkt. No. 95.) On November 14, 2016, Plaintiff complied with that order. Accordingly, this case is now in proper form.

PAYMENT OF THE FILING FEE:

Plaintiff has paid the full filing fee. (*See* Dkt. No. 1-2; Receipt No. SCX200012658.)

TO THE CLERK OF COURT:

The Clerk of Court is directed to issue the summonses and to forward to Plaintiff copies of the issued summonses as well as a copy of the filed Second Amended Complaint. (Dkt. No. 94).

TO DEFENDANTS:

Defendants are directed to file an answer to the Second Amended Complaint or otherwise plead.

TO PLAINTIFF:

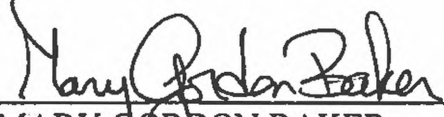
Plaintiff is responsible for service of process. Plaintiff is directed to serve the applicable summons and a copy of the Second Amended Complaint (Dkt. No. 94) upon *each* Defendant. Plaintiff is hereby apprised of Rule 4(m). Rule 4(m) of the Federal Rules of Civil Procedure provides that unless a defendant is served within 90 days after the Complaint is filed, this Court is required to dismiss an action *without prejudice* as to that particular defendant. The

90-day limit established by Rule 4(m) begins to run on the date the summonses are issued. *Robinson v. Clipse*, 602 F.3d 605, 608-09 (4th Cir. 2010) (tolling during initial review).¹

Pursuant to Fed. R. Civ. P. 5, any documents filed subsequent to the initial pleading must be served on parties. Unless otherwise ordered, service of subsequently filed documents on a defendant represented by an attorney is made on the attorney. Service on attorneys who have made an appearance in this Court is effected by the Court's Electronic Case Filing system through a computer generated notice of electronic filing. However, prior to Defendants' attorney(s) making an appearance in this Court, Plaintiff must serve Defendants with any documents Plaintiff files subsequent to the initial pleading and file a certificate of service that states who was served, what document was served, and how the document was served.

Plaintiff is informed that, if his address changes in the future, he must provide his own, personal new address. Hence, the Clerk of Court shall not enter any change of address submitted by Plaintiff which directs that mail be sent to a person other than Plaintiff (unless, of course, that person is an attorney admitted to practice before this Court who has entered a formal appearance).

IT IS SO ORDERED.



MARY GORDON BAKER
UNITED STATES MAGISTRATE JUDGE

November 15, 2016
Charleston, South Carolina

¹Plaintiff should carefully review Rule 4 of the Federal Rules of Civil Procedure for specific requirements for service of process as to certain types of Defendants. *See* FED. R. CIV. P. 4. For example, Rule 4(i) contains specific instructions regarding service upon an officer or employee of the United States. *See* FED. R. CIV. P. 4(i).