

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

DERON MCCOY, JR.,

Plaintiff,

v.

CASE NO. 18-3077-SAC

DOUGLAS BURRIS, et al.,

Defendants.

ORDER TO SHOW CAUSE

Plaintiff brings this *pro se* civil rights action pursuant to 42 U.S.C. § 1983. On August 14, 2019, the Court entered a Service Order (Doc. 12), requesting waiver of service from the Kansas Department of Corrections' ("KDOC") Defendants. Waiver of service was returned executed for Defendants Zolam, Schnurr, Keen, Burris, Nickels and Hamby. (Doc. 14.) Waiver of service was returned unexecuted for Defendant N. Turner (Doc. 15), with a statement that "no one by this name works for or has worked for KDOC at the facility and its mailroom named in the Complaint during the time period relevant to the Complaint. KDOC has no information to provide relating to this named defendant." (Doc. 15.)

Plaintiff has also named John Doe Mailroom Supervisor and "Richard Roe"¹ Storeroom Supervisor as defendants. Plaintiff is entitled to have the United States Marshal or Deputy Marshal serve summons because Plaintiff has been authorized to proceed in forma pauperis. Fed. R. Civ. P. 4(c)(3). But, Plaintiff has the responsibility to provide the Court or the Marshals Service with the information of defendant's address for service. *Folsom v. Grice*, 2018 WL 5904508, at *2–3 (W.D. Okla. Oct. 26, 2018); *Nichols v. Schmidling*, 2012 WL 10350, at *2 (D. Kan. Jan. 3, 2012).

Plaintiff should show good cause why Defendants John Doe, Richard Roe and N. Turner

¹ It appears as though Plaintiff is using "Richard Roe" as a John Doe name. He also named "John Roe" Storeroom Worker in his Complaint.

should not be dismissed for failure to serve them within ninety days after his Complaint was filed.
See Fed. R. Civ. P. 4(m).

IT IS THEREFORE ORDERED that Plaintiff shall have until **October 15, 2019**, to show good cause why Defendants N. Turner, John Doe and Richard Roe should not be dismissed for failure to effectuate service on these defendants.

IT IS SO ORDERED.

Dated in Topeka, Kansas, on this 1st day of October, 2019.

s/ Sam A. Crow

SAM A. CROW

U. S. Senior District Judge