

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DEBRY ALLYN LA NEAR,)	
)	
Plaintiff,)	
)	No. 4:06-CV-1198 CAS
v.)	
)	
FRANCES R. SLAY, et al.,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on review of the file. This case was removed from state court on August 11, 2006. On November 16, 2006, plaintiff was ordered to serve summons and complaint on defendant John Gregory Stempf, as the record does not reflect that this defendant has been served with process. See Doc. 8. On December 14, 2006, the Clerk of the Court received a return of service from plaintiff, which was returned to plaintiff with a letter from the Clerk dated December 22, 2006. See Doc. 9. The letter stated that the return of service was being returned to plaintiff because it was made on an incorrect state court form, and no copy of the actual summons was submitted. Id.

On December 29, 2006, plaintiff sent a letter to the Clerk of the Court concerning service of process on defendant Stempf. See Doc. 10. Attached to the letter is an Affidavit of Special Process Service, a copy of the state court's order granting plaintiff in forma pauperis status, and an invoice from the private process server whose services plaintiff used. The state court order reflects that plaintiff was granted in forma pauperis status on July 5, 2006.

The record reflects that plaintiff did not obtain a summons from this Court, and she did not provide the Court with a copy of the summons which the private process server indicates that he delivered to defendant Stempf. Plaintiff's purported service on defendant Stempf is invalid and fails

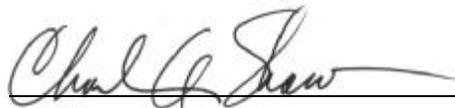
to comply with the requirements of Rule 4, Federal Rules of Civil Procedure, because there was no summons issued by this Court for defendant Stempf. See Rules 4(a)-(c)(1), Fed. R. Civ. P.

Because plaintiff is in forma pauperis, the Court will order the Clerk of the Court to issue alias summons and complaint for defendant Stempf at the address shown on the Affidavit of Special Process Service submitted by plaintiff, and forward the summons and complaint to the United States Marshal's Service for service as provided in Rule 4(c)(2), Fed. R. Civ. P.

Accordingly,

IT IS HEREBY ORDERED that the Clerk of the Court shall issue alias summons and complaint for service on defendant John Gregory Stempf at 103 Westminster Drive, Collinsville, Illinois 62234, and forward the summons and complaint to the United States Marshal's Service for service.

IT IS FURTHER ORDERED that plaintiff's request for reimbursement of the expense of the private process server, contained in her letter to the Clerk of the Court dated December 29, 2006, is **DENIED**. [Doc. 10]



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 5th day of January, 2007.