

United States District Court  
Middle District of Florida  
Jacksonville Division

**BOBBY HIGHTOWER & RHODA HIGHTOWER,**

*Plaintiffs,*

v.

**No. 3:19-cv-219-J-32PDB**

**MACCLENNY TIRE AND LUBE, INC.,**

*Defendant.*

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**Order**

Citing Florida Rule of Civil Procedure 1.070, the plaintiffs ask the Court to appoint Accurate Serve or its agent to serve the defendant in this case. *Doc. 7*. The Court **denies** the motion, *Doc. 7*, without prejudice for failure to comply with Local Rules 1.05(a) and 3.01(a). With no memorandum of law and citation to state law only, it is unclear why appointment of a process server is necessary in this federal action.<sup>1</sup>

**Ordered** in Jacksonville, Florida, on March 4, 2019.



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PATRICIA D. BARKSDALE  
*United States Magistrate Judge*

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<sup>1</sup>The Court has discretion to “order that service be made by a United States marshal or deputy marshal or by a person specially appointed by the court.” Fed. R. Civ. P. 4(c)(3). But court appointment of a process server is generally unnecessary because the Federal Rules of Civil Procedure provide that “[a]ny person who is at least 18 years old and not a party may serve a summons and complaint.” Fed. R. Civ. P. 4(c)(2); *see also* 4A CHARLES A. WRIGHT & ARTHUR R. MILLER, FEDERAL PRACTICE AND PROCEDURE § 1091 (3d ed. 2012) (“A court appointment no longer is necessary when the plaintiff wants to use someone other than a marshal or deputy marshal” to effectuate service. “Stated differently, a court appointment will be appropriate only when a particular person is needed or that person needs to be given an authority that is not available to the ordinary private process server.”).

c: Counsel of record