

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

WALTER C. BROOKS,

Plaintiff,

v.

Case No.: 2:24-cv-523-SPC-KCD

UNITED STATES POSTAL
SERVICE,

Defendant.

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ORDER AND DIRECTIONS TO THE CLERK

Plaintiff Walter C. Brooks, proceeding *in forma pauperis* (Doc. 4), attempted service on Defendant United States Postal Service (“USPS”) by sending his complaint to the USPS National Tort Center in St. Louis. (Doc. 9.) But that was not enough to complete service on the USPS, who is a United States agency. Under Federal Rule of Civil Procedure 4(i)(2):

Agency; Corporation; Officer or Employee Sued in an Official Capacity.
To serve a United States agency or corporation, or a United States officer or employee sued only in an official capacity, a party must serve the United States and also send a copy of the summons and of the complaint by registered or certified mail to the agency, corporation, officer, or employee.

This order directs proper service so the case can proceed.

Accordingly, it is **ORDERED**:

1. The Clerk of Court shall prepare the forms necessary for the United States Marshal to serve the United States Postal Service. The service

package must include two USM 285 Forms, two summonses, and two copies of the complaint (Doc. 1).

2. The Clerk is directed to complete the USM 285 Forms and the summonses for service to:

United States Postal Service
National Tort Center
1720 Market Street, Room 2400
St. Louis, MO 63155-9948

United States Attorney's Office
2110 First Street, Suite 3-137
Fort Myers, FL 33901

3. The clerk is also directed to provide the United States Marshal with a copy of the complaint (Doc. 1), the summons, and a copy of this Order for service on the USPS and the United States Attorney's Office. The United States shall advance all costs for service.

4. The United States Marshal, within **TWENTY-ONE (21) DAYS** of the date on this Order, shall personally serve the United States Attorney's Office with the summons, the complaint (Doc. 1), and a copy of this Order.

5. The United States Marshal, within **TWENTY-ONE (21) DAYS** of the date on this Order, shall send a copy of the summons, the complaint (Doc. 1), and a copy of this Order by registered or certified mail to the USPS National Tort Center. **The clerk must docket the return receipt once received.**

6. Defendants must answer or otherwise respond to the complaint within **SIXTY (60) DAYS** from the date of service.

7. Because the Court is now directing proper service, Plaintiff's Motion for Clerk's Default (Doc. 11) is **DENIED AS MOOT**.

ENTERED in Fort Myers, Florida on December 13, 2024.



Kyle C. Dudek
United States Magistrate Judge

Copies: All Parties of Record