

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

<b>JERRY DONALD SAXTON, JR.</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
v.	)	<b>CIVIL ACTION NO. 5:25-cv-239 (MTT)</b>
	)	
<b>Officer THOMAS, et al.</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

**ORDER**

The Plaintiff, Jerry Donald Saxton, is proceeding *in forma pauperis* (“IFP”). ECF 3. After the Court screened Plaintiff’s complaint, the Court ordered service on Defendant Officer Thomas of the Bibb County Code Enforcement by the United States Marshal Service. ECF 5. The process receipt and return for Officer Thomas was returned unexecuted. ECF 12. The U.S. Marshal Service attempted to personally serve Officer Thomas, but the Assistant Director of the Bibb County Code Enforcement stated there was no current or past Officer Thomas. In addition, Officer Mann of the Bibb County Code Enforcement was not familiar with Officer Thomas.

Because Plaintiff is proceeding IFP, he is entitled to rely on the Court to effect service. “[I]n *forma pauperis* litigants should be entitled to rely on the court officers and United States Marshals to effect proper service, and should not be penalized for failure to effect service where such failure is not due to fault on the litigant’s part.” *Fowler v. Jones*, 899 F.2d 1088, 1095 (11th Cir. 1990). Even so, IFP litigants may not remain silent and do nothing to help effectuate service of process. *Id.* At a minimum, an IFP litigant should request service upon the appropriate defendants and attempt to remedy any

apparent service defects of which he has knowledge. *Id.*

Accordingly, Plaintiff is hereby **NOTIFIED** that the Court received an unexecuted process receipt and return for Defendant Officer Thomas. ECF 12.

If Plaintiff wishes to pursue his claims against Defendant Officer Thomas, then **no later than July 23, 2026**, Plaintiff is **DIRECTED** to remedy the apparent service defect by providing the Court with additional information regarding Officer Thomas' identity, for example, a first name or current address or place of employment, so that the Court may continue its efforts to perfect service on Plaintiff's behalf.

**SO ORDERED**, this 2nd day of July, 2026.

S/ Marc T. Treadwell  
MARC T. TREADWELL, JUDGE  
UNITED STATES DISTRICT COURT