

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

	)	
SIMON BANKS,	)	
	)	
Plaintiff	)	
	)	
v.	)	Civil Action No. 05-1514 (ESH)
	)	Ellen Segal Huvelle, Judge
S. ELWOOD YORK, JR., ET AL.	)	
	)	
Defendants	)	November 28, 2006
	)	

**PLAINTIFF'S MOTION TO DIRECT
SERVICE OF PROCESS UPON DISTRICT OF COLUMBIA GOVERNMENT
AND ROBERT CLAY**

PLAINTIFF'S CERTIFICATION PURSUANT TO LCVR 7.1 (M)
That before filing his motion Plaintiff requested defendant's consent
To the relief requested in such motion however the Plaintiff was
Unable to secure the defendants consent for this motion

Comes now, Simon Banks, Plaintiff, and submit Motion to this Honorable Court
to direct service of process be had upon defendants District of Columbia and Robert Clay
through William Smith, Warden, District of Columbia Jail, and in support of the motion
cites the following:

Defendant District of Columbia has not been served service of process.

The Wardens of the District of Columbia Jail, have changed three times since the
initiation of the instant suit and the delay in effecting service has been compounded by

the constant changes of wardens, from Larry Corbett, Robert Clay, and now William Smith. The Plaintiff seeks to have William Smith, the present Warden of the District of Columbia Jail served as the successor of Larry Corbett, whom has been sued in his official capacity. Robert Clay was sued in his official capacity. William Smith, as the successor of Robert Clay, is an indispensable party to these proceedings as is the District of Columbia Government.

See Plaintiff's errata to the Third Amended Complaint. See Pages 3, 4, 6, 11¶56, 25, 26¶126-127, 27, 29-35, 45¶¶177-178, 48¶¶#3-6 of Plaintiff's Third Amended Complaint.

WHEREFORE, Plaintiff pray that the Court grant the relief prayed for.

_____/s/____

Simon Banks

CERTIFICATE OF SERVICE

I, hereby certify that a copy of this pleading, Plaintiff's Motion for
_____, mailed, via electronic mail,
this day of 28th day of November, 2006, to the following:

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