

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
MISSISSIPPI, OXFORD DIVISION

Edward Bissau Mendy v. Joshua Grant Copeland, et al.

Mendy · No. 3:25-cv-15-MPM-JMV · Decided May 13, 2026

SUMMARY

The United States District Court for the Northern District of Mississippi directs the Clerk to issue process and the U.S. Marshal to serve four newly added defendants in an in forma pauperis action. The court resolves inconsistencies in the third amended complaint by treating the defendants with provided service addresses as the defendants requiring service. The order was entered after granting leave to amend and explains the plaintiff’s responsibilities concerning service information.

CASE DETAILS

COURT	United States District Court for the Northern District of Mississippi, Oxford Division
WRITING FOR THE COURT	Jane M. Virden
JURISDICTION	United States District Court for the Northern District of Mississippi, Oxford Division
DECIDED	May 13, 2026
DOCKET	3:25-cv-15-MPM-JMV
DISPOSITION	other
PROCEDURAL POSTURE	Order directing the Clerk to issue process and the U.S. Marshal to serve newly added defendants following the court's grant of leave to file a third amended complaint in an in forma pauperis action.
PRECEDENTIAL VALUE	Unknown
PARTIES	Edward Bissau Mendy v. Joshua Grant Copeland, Leslie Transport LLC, The Progressive Corporation, Blue Hill Specialty Insurance Company, Inc., Drive New Jersey Insurance Company, Government Employees Insurance Company, GEICO Casualty Insurance Company, GEICO Indemnity Insurance Company

TOPICS

- service of process
- pleadings
- civil procedure
- insurance

PRACTICE AREAS

civil procedure

insurance

QUESTIONS PRESENTED

1. Which defendants identified inconsistently in the third amended complaint should be treated as the newly named defendants for purposes of issuing and serving process?
2. Whether the Clerk should issue process and the U.S. Marshal should serve the newly identified defendants in accordance with 28 U.S.C. § 1915.

HOLDINGS

1. When a complaint identifies defendants inconsistently, the court may treat as the defendants in the action those defendants consistently identified in the operative pleading and for whom the plaintiff provided service addresses.
2. For an in forma pauperis plaintiff, the Clerk must issue process and the U.S. Marshal must serve process on the properly identified defendants pursuant to 28 U.S.C. § 1915, while the plaintiff remains responsible for providing sufficient information, including a correct address, to secure proper process.

KEY QUOTATIONS

“Thus, between the caption, and four different sections of the complaint, Plaintiff provides four different sets of Defendants.” (at 2)

“When a plaintiff is granted the right to proceed IFP, “officers of the court shall issue and serve all process.”” (at 1)

“An IFP plaintiff “is entitled to rely upon service by the U.S. Marshals and should not be penalized for failure of the Marshal’s service to properly effect service of process, where such failure is through no fault of the litigant.”” (at 1)

FACTUAL BACKGROUND

Plaintiff proceeded in forma pauperis and filed a third amended complaint after receiving leave to amend. The complaint identified defendants inconsistently across its caption, party-identification sections, supplemental allegations, and a section requesting service. The court treated the defendants listed consistently in the relevant portions of the complaint and for whom service addresses were provided as the defendants requiring new service.

PROCEDURAL HISTORY

Plaintiff filed his initial complaint on January 21, 2025, and was granted leave to proceed in forma pauperis. After the District Judge granted leave to amend on April 24, 2026, Plaintiff filed a third amended complaint naming defendants inconsistently in multiple sections. The magistrate judge identified the defendants for whom service addresses were provided and directed issuance and service of process on those newly named defendants.

DISPOSITION

other

CASES CITED

- Rochon v. Dawson, 828 F.2d 1107, 1110 (5th Cir. 1987)
- Armant v. Stalder, 351 F. App'x 958, 959 (5th Cir. 2009)
- Buckley v. Epps, No. 4:09CV010-A-S, 2010 WL 2245560, at *1 (N.D. Miss. June 1, 2010)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF MISSISSIPPI OXFORD DIVISION EDWARD BISSAU MENDY PLAINTIFF v. CIVIL ACTION NO.: 3:25-cv-15-MPM-JMV JOSHUA GRANT COPELAND, ET. AL. DEFENDANTS ORDER DIRECTING THE CLERK TO ISSUE PROCESS AND FOR THE U.S. MARSHAL TO SERVE NEW DEFENDANTS This matter is before the Court consistent with the District Judge's April 24th, 2026, order granting leave to amend [Doc.

127], for the purpose of directing service of the newly amended third complaint [Doc. 138] to the Defendants named for the first time in the third amended complaint [Doc. 138]. After filing his initial complaint on January 21, 2025, Plaintiff was granted leave to proceed in forma pauperis ("IFP") pursuant to 28 U.S.C § 1915. [Doc. 7]. When a plaintiff is granted the right to proceed IFP, "officers of the court shall issue and serve all process." 28 U.S.C. § 1915(d).

An IFP plaintiff "is entitled to rely upon service by the U.S. Marshals and should not be penalized for failure of the Marshal's service to properly effect service of process, where such failure is through no fault of the litigant." Rochon v. Dawson, 828 F.2d 1107, 1110 (5th Cir. 1987).

However, once a plaintiff is aware of possible defects in service of process, they must attempt to remedy them. Armant v. Stalder, 351 F. App'x 958, 959 (5th Cir. 2009). The plaintiff—not the court—is obligated to provide information regarding the appropriate defendant and information, including the correct address, necessary to secure good process. Buckley v. Epps, No. 4:09CV010-A-S, 2010 WL 2245560, at *1 (N.D.

Miss. June 1, 2010). As an initial matter, it is necessary to identify who the defendants are in the current complaint. The caption of the third amended complaint lists only four non-nominal defendants, Joshua Copeland, Leslie Transport, Progressive Insurance, and GEICO Insurance, all already Defendants in this action who do not require new service of process.

[Doc. 138] at 1. However, later in the complaint, while identifying the parties, Plaintiff adds four new Defendants in addition to the four (4) previously named Defendants, including: Blue Hill Specialty Insurance Company, Inc., Drive New Jersey Insurance Company, GEICO Indemnity

Company, and GEICO Casualty Company. [Doc. 138] at 6-10. Six pages later, in a section titled “Parties (SUPPLEMENTAL ALLEGATIONS),” Plaintiff states that “Defendants include, without limitation: Progressive Insurance Corporations, Blue Hill Specialty Insurance Company, Inc., Drive New Jersey Insurance Company, Artisan and Truckers Casualty Company, National Continental Insurance Company.” Plaintiff then adds “Progressive Express Insurance Company” in the next paragraph.

[Doc. 138] at 16. The confusion is compounded when, two pages later, in a section titled “Parties,” Plaintiff lists all of the above Defendants except Artisan and Truckers Casualty Company. [Doc. 138] at 18. However, when identifying National Continental Insurance Company and Progressive Express Insurance Company, Plaintiff writes that each are “not made party as the Progressive Entities are on belief and information responsible for its actions.” Id. at 18-19.

Finally, on page 48 of Plaintiff’s complaint in a section titled “Please Serve,” Plaintiff identifies the following Defendants: Joshua Grant Copeland, Leslie Transport LLC, The Progressive Corporation, Blue Hill Specialty Insurance Company, Inc, Drive New Jersey Insurance Company, Government Employees Insurance Company, GEICO Casualty (sic) Insurance Company, and GEICO Indemnity Insurance Company.

Id. at 48. Thus, between the caption, and four different sections of the complaint, Plaintiff provides four different sets of Defendants. As the Defendants identified between pages 6 and 10 and listed in the “Please Serve” section on page 48 are identical and the only ones for which Plaintiff provides service addresses for, the Court will treat these as the Defendants in the action.

THEREFORE IT IS ORDERED: 1. That the clerk shall issue process for the Defendants named and whose addresses were provided in the Third Amended Complaint [Doc. 138], as follows: Blue Hill Specialty Insurance Drive New Jersey Insurance GEICO Casualty Insurance Company, Inc. Company Company 6300 Wilson Mills Road 6300 Wilson Mills Road 1 GEICO Blvd. Mayfield Village, Ohio 44143 Mayfield Village, Ohio 44143 Fredericksburg, VA 22412 GEICO Indemnity Insurance Company 1 GEICO Blvd.

Fredericksburg, VA 22412 2. That the U.S. Marshal shall serve process on these Defendants as directed in the summons in accordance with 28 U.S.C. § 1915.1 SO ORDERED, this, the 13th day of May, 2026. /s/ Jane M. Virden UNITED STATES MAGISTRATE JUDGE 1 Fed. R. Civ. P. 4(h) provides that service of a corporation, partnership, or association may be accomplished as follows: Unless federal law provides otherwise or the defendant's waiver has been filed, a domestic or foreign corporation, or a partnership or other unincorporated association that is subject to suit under a common name, must be served: (1) in a judicial district of the United States: (A) in the manner prescribed by Rule 4(e)(1) for serving an individual; or (B) by delivering a copy of the summons and of the complaint to an officer, a managing or general agent, or any other agent

authorized by appointment or by law to receive service of process and--if the agent is one authorized by statute and the statute so requires--by also mailing a copy of each to the defendant.

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