

Secretary
Committee on Rules of Practice and Procedure
Administrative Office of the United States Courts
Washington, D.C. 20544

Dear Secretary;

I am an inmate in an Ohio prison facility. I recently filed a Pro Se significant complaint as my first attempt at a Federal civil suit. I filed a 42 USC §1983 suit against my trial court judge for lack of jurisdiction which was not dismissed as frivolous due to exceptional circumstances. (Ohio, Northern District, Western Division, Case No. 3:19-cv-00082-JZ) and ran into several critical areas which are not provided for and severely prejudice me as a Pro Se litigant. I am reasonably proficient at Ohio criminal law, and had no problems filing a 28 USC §2254as well as file for certificate of appealability in the Sixth Circuit Court and several writs of certiorari into the United States Supreme Court. The problems are serious enough that I hope the court grants my request for appointment of counsel.

(1.) Rule 4(c)(3) I filed the necessary paper work requesting Federal Marshal Service. Even though I am an inmate, I paid the \$400 filing fee. The court sent notification that my case was filed and I was to serve it promptly. I immediately wrote the clerk questioning the Federal Marshal Service request. The clerk never answered. Several weeks later I served the summons and complaint by U.S. Certified Mail, return receipt requested. At the least, for Federal Marshal Service for other than in forma pauperis, shouldn't the applicable statute(s) be included?

(2) Rule 4(a)(E) should be changed to reflect notification in the summons that if by local rule an Initial Phone Status Conference must first take place before the 21 day response time begins. This is to clarify that the time for a default judgment does not begin until after this conference: State that local rules requiring such conference must be stated in their summons.

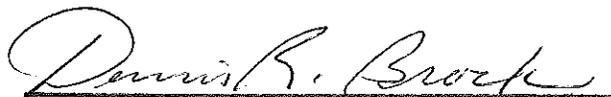
My complaint was served January 28, 2019 and on the third week of March I

was preparing to write a motion for default judgment when a fellow inmate with considerable experience in Federal Court cautioned me that if I filed it all it would do is make the judge mad and he could kick my case out because nothing starts until after the initial phone scheduling conference. The statement in the summons, as written, and if taken at face value, would have severely prejudiced me.

(3.) The 2018 rule change to Rule 5(b)(3) (abrogated) leaves a question which prison law clerks here are unsure and cannot agree on. Do the court clerks no longer do certificate of service electronically, or are they all required to do it. This has become a serious question in my case as the court clerk has provided me no notification of electronic filing as is the custom in the Ohio Southern District Courts. My request for a copy of the case docket went unanswered and as a result I felt compelled to file an amended petition strictly on the certificate of service issue. Without notification of electronic filing, the Pro Se litigant has no idea what the document number of the brief he just filed is, which can be cause of serious harm when the electronically notified defendant refers to a particular document by number. The Southern District of Ohio always provides such notification. To date the Northern District has not provided any such notification, which makes this Pro Se litigant's difficult job even more difficult than it would be for a regular lawyer.

It is not my desire to appear as a complainer. I have many years in major manufacturing as a production supervisor, and that experience has taught me that an instruction must be both simple and complete to be properly understood. I hope I have presented issues you consider valid.

Most Respectfully,



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