

United States Courts
Southern District of Texas
FILED

JUN 05 2026

Nathan Ochsner, Clerk of Court

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

Erick Scott Blackwood-Head,
Plaintiff,
v.
Eric Head, et al.,
Defendants.

Civil Action No. 2:26-cv-00090

****PLAINTIFF'S EMERGENCY MOTION TO EXPEDITE RULING ON PENDING IFP
APPLICATION AND MOTION FOR SERVICE BY U.S. MARSHALS, AND TO TOLL FRCP 4(m)
DEADLINE****

TO THE HONORABLE MAGISTRATE JUDGE HAMPTON:

Plaintiff Erick Scott Blackwood-Head, proceeding pro se, respectfully moves this Court to expedite rulings on his pending Application to Proceed In Forma Pauperis and Motion for Service by U.S. Marshals (Doc. 11), and to toll the FRCP 4(m) service deadline, stating:

****I. BACKGROUND****

1. Plaintiff filed his complaint and Application to Proceed In Forma Pauperis on March 27, 2026.
2. On April 6, 2026, Judge Morales referred all pretrial matters to this Court (Doc. 8).
3. On April 7, 2026, Plaintiff filed his Motion for Service by U.S. Marshals (Doc. 11).
4. As of June 5, 2026, neither the IFP application nor the Marshal service motion has been ruled upon. No summons have been issued. No defendants have been served.

5. The case has been scheduled for an Initial Pretrial Conference on June 11, 2026.

****II. URGENCY****

6. The 90-day service deadline under FRCP 4(m) expires June 25, 2026 — twenty days from this filing.

7. Without an IFP ruling, Plaintiff cannot confirm his entitlement to Marshal service under 28 U.S.C. § 1915(d).

8. Without a ruling on the Marshal service motion, no summons have been issued and no defendants have been served.

9. The entire case is stalled pending these two rulings.

****III. LEGAL AUTHORITY****

10. Under 28 U.S.C. § 1915(d), when a plaintiff is granted IFP status, "officers of the court shall issue and serve all process."

11. An IFP plaintiff cannot be penalized for the court's delay in ruling on his IFP application or authorizing Marshal service. See *Rochon v. Dawson*, 828 F.2d 1107 (5th Cir. 1987).

12. The 4(m) deadline should be tolled during the pendency of an IFP application. See *Lindsey v. U.S. Railroad Retirement Board*, 101 F.3d 444 (5th Cir. 1996).

13. Good cause exists to extend the 4(m) deadline given the court's delay in ruling on Plaintiff's timely-filed motions.

****IV. CASCADING EFFECT ON SCHEDULING DEADLINES****

14. Because no defendants have been served or appeared, Plaintiff has been unable to:

- Complete the Rule 26(f) conference
- File the joint case management report
- Begin discovery
- Serve a demand letter

15. All scheduling order deadlines were set based on an assumption that defendants would be timely served. Those deadlines need to be adjusted to run from the date defendants are actually served and appear.

16. Specifically, the following deadlines are implicated:

- September 15, 2026 → Joinder of parties and amendment of pleadings
- September 15, 2026 → Plaintiff expert designations
 - September 29, 2026 → Demand letter
 - November 16, 2026 → Discovery cutoff
- December 15, 2026 → Dispositive motions
- April 26, 2027 → Trial

17. If Marshal service is not authorized and completed promptly, many of these deadlines will become impossible to meet, potentially jeopardizing the entire case.

****V. RELIEF REQUESTED****

WHEREFORE, Plaintiff respectfully requests this Court:

- a) Immediately rule on Plaintiff's Application to Proceed In Forma Pauperis;
- b) If IFP is granted, immediately authorize and direct U.S. Marshals to effect service on all defendants as identified in Plaintiff's Motion for Service by U.S. Marshals (Doc. 11);
- c) Toll the FRCP 4(m) service deadline from March 27, 2026 through the date Marshal service is authorized and completed;
- d) Extend all scheduling order deadlines proportionally to account for the delay in service;
- e) Address these issues at the June 11, 2026 Initial Pretrial Conference; and
- f) Grant such other relief as the Court deems just and proper.

Respectfully submitted,

/s/ Erick Scott Blackwood-Head
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