

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

MICHAEL NOWACKI,
Plaintiff,

v.

GOVERNOR DANIEL MALLOY, ET
AL.,
Defendants.

No. 3:11-cv-01242 (SRU)

RULING ON PENDING MOTIONS

Michael Nowacki has moved for emergency injunctive relief from restrictions placed upon him by members of the New Canaan School District and the New Canaan Police Department barring him from entering the grounds of New Canaan High School. Before a federal district court may issue a preliminary injunction, the court must first obtain personal jurisdiction (or authority) over the defendants, requiring, among other things, that they be properly served with a summons and a copy of the complaint in accordance with Federal Rules of Civil Procedure 4(a)-(n). *See Davis v. Mara*, 587 F. Supp. 2d 422, 427 (D. Conn. 2008) (stating “effective service of process on Defendants is a prerequisite to the Court's exercise of personal jurisdiction”).

Generally speaking, a summons is a document that names the court and parties involved in the case, states the time within which the defendant must appear and defend, and is signed by the clerk. *See Fed. R. Civ. P. 4(a)*. The summons, along with a copy of the complaint, must be served on the defendants by a person who is not a party to the action or by a marshal. *See Fed. R. Civ. P. 4(c)*. Lastly, proof of service must usually be provided to the court. *See Fed. R. Civ. P. 4(l)*. Unless and until defendants are served in the proper manner, a federal court generally lacks the authority to issue a preliminary injunction against them.

Here, Nowacki has not served the defendants in the manner required by the Federal Rules. Therefore, Nowacki's motions seeking injunctive relief (docs. # 5 and # 7) are **DENIED** without prejudice. He may file a motion for a preliminary injunction after he has properly served the defendants and they have been given an opportunity to respond.

Nowacki has also moved for the appointment of counsel. To the extent Nowacki seeks the appointment of a U.S. Attorney to prosecute his claims, his motion (doc. # 6) is **DENIED** because this court lacks authority to do so. To the extent Nowacki seeks appointment of counsel to represent him in this action, his motion (doc. # 6) is **DENIED** without prejudice. His motion to appoint counsel may be renewed if he petitions successfully for *in forma pauperis* status. An application for *in forma pauperis* status may be obtained from the clerk's office or through the court's website.

It is so ordered.

Dated at Bridgeport, Connecticut, this 1st day of September 2011.

/s/ Stefan R. Underhill
Stefan R. Underhill
United States District Judge