

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

CHRISTOPHER T. DEDALIS,

Plaintiff,

v.

Case No. 15-CV-1543

**JOHN DOE DOCTOR,
JANE DOE NURSE #1,
JANE DOE NURSE #2, and
JANE DOE NURSE #3,**

Defendants.

ORDER

On April 29, 2016, I screened plaintiff's complaint and allowed him to proceed on claims against three nurses and a doctor. Plaintiff did not know the names of the defendants, so I ordered him to use discovery to identify them. On October 14, 2016, plaintiff filed a notice of proper names of defendants. That notice contains the names of a company (Correct Care Solutions), a doctor (Adeyemi Fatoki), and six nurses (four LPNs and two RNs).

I will allow plaintiff to substitute Fatoki for the John Doe doctor named in his second amended complaint and will order the Marshals to serve Fatoki. However, I will not allow plaintiff to add Correct Care Solutions as a defendant, nor will I allow him to substitute the names of *six* nurses for the *three* Jane Doe Nurses named in his second amended complaint.

If plaintiff wants to proceed against all of the defendants named in his second amended complaint, he must identify the proper names of Nurse #1, Nurse #2, and Nurse #3. Alternatively, if plaintiff believes he can state claims against Fatoki, Correct Care

Solutions, and all six nurses, he may file a third amended complaint that includes allegations against all of those defendants. As a reminder, a third amended complaint will replace all prior filed complaints and must stand alone without reference to prior filed complaints. If plaintiff files a third amended complaint, I will screen it pursuant to 28 U.S.C. §1915A.

NOW, THEREFORE, IT IS ORDERED that the Clerk of Court will update the caption of this lawsuit by substituting Dr. Adeyemi Fatoki for John Doe Doctor.

IT IS FURTHER ORDERED that the United States Marshal shall serve a copy of the complaint and this order upon Dr. Adeyemi Fatoki pursuant to Federal Rule of Civil Procedure 4. Plaintiff is advised that Congress requires the U.S. Marshals Service to charge for making or attempting such service. 28 U.S.C. § 1921(a). The current fee for waiver-of-service packages is \$8.00 per item mailed. The full fee schedule is provided at 28 C.F.R. §§ 0.114(a)(2), (a)(3). Although Congress requires the court to order service by the U.S. Marshals Service precisely because *in forma pauperis* plaintiffs are indigent, it has not made any provision for these fees to be waived either by the court or by the U.S. Marshals Service.

IT IS ALSO ORDERED that Dr. Adeyemi Fatoki shall file a responsive pleading to the complaint.

IT IS FURTHER ORDERED that plaintiff must identify Jane Doe Nurses #1- #3 by **November 7, 2016**. If he does not, the court may dismiss those defendants based on his failure to diligently pursue his claims against them.

Dated at Milwaukee, Wisconsin, this 22nd day of October, 2016.

s/ Lynn Adelman

LYNN ADELMAN
District Judge