

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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FRANCOIS XAVIER KIEMDE,

Plaintiff,

v.

RUTH DOROCHOFF,

Defendant.

ORDER

09-cv-660-slc

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In an order entered in this case on November 3, 2009, I advised plaintiff that it was his responsibility to serve defendant with his complaint and file proof of service as soon as he had it. I noted that Fed. R. Civ. P. 4(m), allows a plaintiff 120 days after filing a complaint in which to serve the defendant, but that the 120-day deadline is the outside limit. I advised plaintiff that if he acted diligently, he should be able to serve his complaint on the defendant and file proof of service by January 4, 2009. In addition, I provided plaintiff with a memorandum describing how to serve individual federal officers in a federal lawsuit and the various forms he needed to accomplish service. To date, plaintiff has not filed proof of service of his complaint upon the defendant or explained his failure to do so. Indeed, he has not corresponded with the court about his case since he filed it on October 29, 2009.

Plaintiff must report to the court in writing what steps he has taken to serve his complaint on the defendant. Although the outside deadline for serving the complaint does not occur until February 26, 2010, there is no point in maintaining this action as an open case if plaintiff has abandoned prosecution of it.

Copy of this document has been  
provided to PIF  
this 8<sup>th</sup> day of Jan 2010  
by CALAD  
C. A. Korth, Secretary to  
Magistrate Judge Crocker

ORDER

IT IS ORDERED that plaintiff may have until January 29, 2010, in which to advise the court in writing what steps he has taken to serve his complaint on the defendant. If, by January 29, 2010, plaintiff fails to respond to this order, the clerk of court will enter judgment dismissing this action without prejudice for plaintiff's failure to prosecute.

Entered this 8th day of January, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge