

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

LINDA A. HARDING and
NATHAN PEACHEY,

Plaintiff,

v.

ORDER

12-cv-149-bbc

ONEIDA COUNTY, et al.,
GARY L. BAIER, GREG BERARD,
TED CUSHING, PAUL DEAN, BILLY FRIED,
DAVE HINTZ, JOHN HOFFMAN,
SCOTT HOLEWINSKI, JACK MARTINSON,
MATT MATTESON, BOB METROPULOS,
DAVID O'MELIA, SONNY PASZAK,
CAROL PEDERSON, TOM RUDOLPH,
JIM SHARON, DENNY THOMPSON,
MIKE TIMMONS, ROMELLE VANDERVEST,
PETER WOLK, JOHN YOUNG and
PATRICK F. O'MELIA., SUCCESSORS,

Defendants.

This is a civil action filed by plaintiffs Linda A. Harding and Nathan Peachey, who are proceeding pro se. Plaintiffs have paid the \$350 fee for filing this case.

The next step is for plaintiffs to serve their complaint on the defendants. Under Fed. R. Civ. P. 4(m), a plaintiff has 120 days after filing a complaint in which to serve the defendants. However, that is an outside limit with few exceptions. This court requires that a plaintiff act diligently in moving his case to resolution. If plaintiffs act promptly, they should be able to serve their complaint on the defendants well before the deadline for doing so established in Rule 4.

To help plaintiff understand the procedure for serving a complaint, I am enclosing with this order copies of documents "Procedure for Serving a Complaint on Individuals in a Federal Lawsuit." I am enclosing a memorandum describing the procedure for serving a complaint on individuals, together with notice of lawsuit and waiver of service of summons

forms. In addition, I am enclosing to plaintiffs the forms they will need to send to the defendants in accordance with the procedures set out in Option 1 of the memorandum.

With respect to defendant Oneida County, which is a municipality, I am enclosing copies of Fed. R. Civ. P. 4 and Wis. Stat. § 801.11(4). (Plaintiff should note particularly Rules 4 (c), (j)(2) and (l).) Municipalities, such as Oneida County, require service by summons, which is included with this order. As noted above, proof of service of the complaint on the defendants must be filed with the court after service has been accomplished. The back of the summons form provides space in which the person serving the defendant can attest to the time, place and manner in which service of process was made.

ORDER

IT IS ORDERED that plaintiffs serve their complaint on defendants promptly. They should file proof of service of their complaint as soon as they have served each defendant. (“Proof of service” is explained in the attachments.) By May 8, 2012, plaintiffs are to file proof of service of their complaint on the defendants or tell the court why they cannot do so. If they do not file the proof of service or explain why they could not serve the defendants, I will order them to explain why this case should not be dismissed for lack of prosecution.

Entered this 12th day of March, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge