

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

TONY WALKER,
Inmate No. 0167841,

Plaintiff,

ORDER

v.

01-C-095-C

DANIEL R. BERTRAND, PETER
ERICKSEN, PATRICK BRANT,
DENNIS NATZKE, WENDY BRUNS,
CINDY O'DONNELL and JOHN RAY,

Defendants.

A telephone status conference was held in this case on November 7, 2002, before United States District Judge Barbara B. Crabb in response to a motion for a preliminary injunction filed by plaintiff Tony Walker. Plaintiff participated on his own behalf. Defendants appeared by Assistant Attorney General David Hoel.

In his motion for a preliminary injunction, plaintiff alleged that he is indigent, has exceeded his annual legal loan limit and has been unable to communicate with the court because defendant Daniel Bertrand has refused to provide him with envelopes. He requests an order directing defendants to provide him with legal supplies at state expense for as long as he is proceeding pro se. After hearing from plaintiff and defense counsel, I denied plaintiff's motion for a preliminary injunction because

plaintiff failed to show that he followed the proper procedures for obtaining an exception to the legal loan limit or that he was prevented from mailing any materials to the court in this case.

Although I did not address it at the status conference, I note that plaintiff has also filed in this case a “Motion for Court to Order U.S. Marshals to Serve All Process on All Named Defendants,” in which he asks that all of the defendants be served by the Marshals Service, even though the attorney general’s office has already accepted service on behalf of them. Apparently, plaintiff believes that at some later date defendants will move to dismiss the case on the ground that they have been improperly served. However, defendants have not moved to dismiss this case for lack of proper service of process. Because defects in service can be waived, see Petrowski v. Hawkeye -Security Insurance Co., 350 U.S. 495 (1956), and because defendants have already accepted service of process as having been properly made, plaintiff’s motion will be denied as unnecessary.

ORDER

IT IS ORDERED that plaintiff Tony Walker’s motion for a preliminary injunction and his “Motion for Court to Order U.S. Marshals to Serve All Process on All Named

Defendants" are DENIED.

Entered this 12th day of November, 2002.

BY THE COURT:

BARBARA B. CRABB
District Judge