

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

KENNETH PAUL SARAUER,

Plaintiff,

v.

Wisconsin Department of Corrections:
MATHEW FRANK, JON LITSCHER,
SM PUCKETT, SHARON ZUNKER, SANDRA
HAUTAMAKI, JOHN RAY, CINDY O'DONNELL,
NICOLE BELK and PAULA ARMENTROUT;
Oakhill Correctional Institution:
RICHARD VERHAGEN, JAMES PARISI,
DENNIS CLARK, DEBBIE LANCE,
JOSEPH MUSACCHIO, JAN MINK,
LT. SCANLON, JOANN ARNDT, DR. VIJOYA
DASGUPTA, DR. JAMES THORPE, TODD
CRONIN and ELAINE WHEELER,

Defendants.

ORDER

04-C-273-C

This is a civil action for monetary relief in which plaintiff Kenneth Paul Sarauer, who is proceeding pro se, alleges that while he was a prisoner in the Wisconsin state prison system, he was denied his Eighth Amendment right to medical and dental care and to be free of conditions that amounted to cruel and unusual punishment. He alleges also that he was subject to the use of excessive force. Plaintiff has paid the fee for filing his complaint. The

complaint is not subject to screening under the 1996 Prison Litigation Reform Act because as a parolee, plaintiff is not subject to the act. Robbins v. Switzer, 104 F.3d 895 (7th Cir.1997).

The next step is for plaintiff to serve his 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 plaintiff acts promptly, he should be able to serve his complaint on the defendants well before the deadline for doing so established in Rule 4.

To help plaintiff understand the procedure for serving his complaint on state officials (which includes prison officials), I am enclosing with this order a copy of document titled "Procedure for Serving a Complaint on State or County Officials in a Federal Lawsuit." In addition, I am enclosing the forms that plaintiff will need that are referenced in the procedure.

ORDER

IT IS ORDERED that

1. Plaintiff is to serve his complaint promptly on the defendants and file proof of service of his complaint as soon as service has been accomplished. No later than August 1, 2004, plaintiff is report on the progress of his efforts to serve any defendant who has not

been served by that date. If, by August 1, 2004, plaintiff fails to submit proof of service of his complaint on the defendants or explain his inability to do so, I will direct plaintiff to show cause why his case should not be dismissed for lack of prosecution.

2. For the remainder of this lawsuit, plaintiff must send defendants a copy of every paper or document that he files with the court. Once plaintiff learns the name of the lawyer that will be representing the defendants, he should serve the lawyer directly rather than defendants. The court will disregard documents plaintiff submits that do not show on the court's copy that plaintiff has sent a copy to defendant or to defendant's attorney.

3. Plaintiff should keep a copy of all documents for his own files. If he is unable to use a photocopy machine, he may send out identical handwritten or typed copies of his documents.

Entered this 7th day of May, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge

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