

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

KURTIS L. KING,

Plaintiff,

v.

MEMORANDUM

04-C-338-C

MATTHEW FRANK in his official capacity;
GARY R. McCAUGHTRY, in his official
and individual capacities;
CURTIS JANSSEN, in his official
and individual capacities;
STEVEN SCHUELER, in his official
and individual capacities;
DOES 1-100, Health and Segregation
Complex staff, and both security
and clinical services staff in their official
and individual capacities,

Defendants.

Plaintiff is a prisoner subject to the 1996 Prison Litigation Reform Act. This means that the court must screen any civil complaint that he files during the term of his incarceration before it can be served on the defendants. The screening requirement applies even where, as here, the plaintiff pays the \$150 filing fee. 28 U.S.C. § 1915A.

On July 27, 2004, I screened plaintiff's complaint and allowed him to proceed on

several of his claims against the defendants. One day earlier, however, the clerk of court received a letter from plaintiff dated July 22, 2004, asking for summons forms for defendants Frank, McCaughtry, Janssen and Schueler. In the letter, plaintiff explained that he had attempted to serve the defendants with his complaint but that they had not returned the waiver forms to him.

It appears that plaintiff's attempt to serve the defendants with his complaint was premature. Until the court screened plaintiff's complaint, the defendants had no obligation to agree to waive service of a summons. Therefore, I am enclosing to plaintiff with this memorandum new notice of lawsuit and request for waiver of service of summons forms, and four copies of this court's screening order, which plaintiff is to include with his complaint and waiver forms when he mails them to the defendants. Plaintiff is reminded to file proof of service of his complaint as soon as service has been accomplished. As I noted in the July 27 order, if, by October 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 him to show cause why his case should not be dismissed for lack of prosecution.

Entered this 3rd day of August, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge