

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

RICHARD JOHN BAUER,

Plaintiff,

v.

JULEANN HORNYAK,
JANE DOE (Unknown), and
ROBERT THOMAS,

Defendants.

ORDER

07-C-055-C

On January 31, 2007, plaintiff paid the \$350 filing fee and opened this case in which he alleges that defendants violated his constitutional rights when they intercepted or ignored a letter he sent to the Illinois Supreme Court. In an order dated February 6, 2007, I advised plaintiff of his responsibility to serve the defendants with his complaint pursuant to Fed. R. Civ. P. 4. In the same order, I asked him to provide proof no later than April 6, 2007, that he had served the defendants with his complaint. To assist plaintiff in accomplishing this task, I attached to the order specific instructions on how to serve the defendants, forms for seeking waiver of service of a summons and additional copies of the complaint that plaintiff could use in completing service.

Subsequently, on March 2, 2007, plaintiff filed a document titled “Motion for Assistance of Summons,” in which he asked that the United States Marshal serve his complaint for him. In making the request, plaintiff stated that “it is impossible for me to send a waiver as per Supreme Court of Illinois letter from clerk Juleann Hornyak,” and that “I also could not find any assistance from attorneys or friends.”

In an order dated March 12, 2007, I told plaintiff that because he was not proceeding in forma pauperis, I could not ask the marshal to serve his complaint. I provided plaintiff with a form for an affidavit of indigency and advised him that if he were to request leave to proceed in forma pauperis, I would screen his complaint pursuant to 28 U.S.C. § 1915(e)(2) and, if the complaint were to survive screening, I would arrange with the marshal for service of his complaint on the defendants. Plaintiff has not sought leave to proceed in forma pauperis and he has not provided the court with proof of service of his complaint on the defendants. His failure to comply with the February 6 order or communicate with the court in any other way concerning his progress in serving defendants may be an indication that he is no longer interested in prosecuting this case.

ORDER

IT IS ORDERED that if, by April 30, 2007, plaintiff fails to submit proof of service of his complaint on the defendants or show cause for his failure to do so, then this case will

be dismissed without prejudice for plaintiff's failure to prosecute.

Entered this 12th day of April, 2007.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge