

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

KENNETH CARLBORG,

Plaintiff,

v.

PAUL ROGERS KENNEDY,

Defendant.

ORDER

11-cv-686-slc

Plaintiff Kenneth Carlborg, who is proceeding pro se, has filed this diversity action under 28 U.S.C. § 1332(a). He is seeking compensatory damages in the amount of \$3,782.50 and punitive damages in the amount of \$200,000 against defendant Paul Rogers Kennedy, an attorney for the Center of Legal Justice in Delray Beach, Florida. Plaintiff has paid the \$350 fee for filing this case.

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 a complaint, I am enclosing with this order a copy of a documents title “Procedure for Serving a Complaint on Individuals in a Federal Lawsuit.” Pursuant to Wis. Stat. § 39.07, plaintiff should serve defendant Paul Rogers Kennedy according to the procedure for serving an individual in a federal lawsuit. In addition, I am enclosing to plaintiff an extra copy of his complaint and the forms he will need to send to the defendants in accordance with the procedures set out in Option 1 of the memorandum.

ORDER

IT IS ORDERED that plaintiff Kenneth Carlborg serve his complaint on defendant Paul Rogers Kennedy promptly. He should file proof of service of his complaint as soon as he has served each defendant. ("Proof of service" is explained in the attachments.) By December 18, 2011, plaintiff is to file proof of service of his complaint on the defendants or tell the court why he cannot do so. If he does not file the proof of service or explain why he could not serve the defendants, I will order him to explain why his case should not be dismissed for lack of prosecution.

Entered this 18th day of October, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge