

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

LORI SUSAN MOTT,

Plaintiff,

v.

STEVEN J. ADAMS
c/o MWI Veterinary Supply, Inc.,

Defendant.

ORDER

13-cv-32-wmc

This is a civil action filed by plaintiff Lori Mott who is proceeding pro se. Plaintiff has paid the \$350 fee for filing this case.

The next step is for plaintiff to serve her complaint on the defendant. Under Fed. R. Civ. P. 4(m), a plaintiff has 120 days after filing a complaint in which to serve the defendant. However, that is an outside limit with few exceptions. This court requires that a plaintiff act diligently in moving the case to resolution. If plaintiff acts promptly, she should be able to serve her complaint on the defendant 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 copies of a document titled "Procedure for Serving a Complaint on Individuals in a Federal Lawsuit." Pursuant to Wis. Stat. § 39.07, plaintiff should serve defendant Steven Adams according to the procedure for serving an individual in a federal lawsuit. In addition, I am enclosing to plaintiff an extra copy of her complaint and the forms she will need to send to the defendant in accordance with the procedures set out in Option 1 of the memorandum.

ORDER

IT IS ORDERED that plaintiff serve her complaint on the defendant promptly. She should file proof of service of her complaint as soon as she has served the defendant. ("Proof

of service” is explained in the attachments.) By March 18, 2013, plaintiff is to file proof of service of her complaint on the defendant or tell the court why she cannot do so. If she does not file the proof of service or explain why she could not serve the defendant, I will order her to explain why this case should not be dismissed for lack of prosecution.

Entered this 16th day of January, 2013.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge

PROCEDURE FOR SERVING A COMPLAINT ON
INDIVIDUAL FEDERAL OFFICERS
IN A FEDERAL LAWSUIT

A plaintiff who is allowed to proceed in a civil action against federal officials in their individual capacities may satisfy the service requirements of Fed. R. Civ. P. 4 by following one of two procedures.

Option One

Plaintiff may notify each defendant in writing of the filing of his lawsuit and request that the defendant waive service of a summons. Fed. R. Civ. P. 4(d)(2). If plaintiff chooses this method of service, he must

- complete for each defendant an original and one copy of a form titled “Notice of Lawsuit and Request for Waiver of Service of Summons” (blank notice forms are attached to this document);
- address a large envelope to each individual defendant and place the following documents inside:
 - a) an original and one copy of the completed notice form;
 - b) a blank form titled “Waiver of Service of Summons” (also enclosed with this procedure);
 - 3) a copy of his complaint;
 - 4) a copy of the court’s order allowing plaintiff to proceed, if such an order was issued; and
 - 5) a self-addressed, stamped envelope for the defendant’s use in returning the waiver form to him;
- mail the envelope to each defendant by first-class mail or other reliable means;
- allow the defendants "a reasonable time to return the waiver, which shall be at least 30 days from the date on which the request is sent" (Fed. R. Civ. P. 4(d)(2)(F)).
- mail a copy of the signed waiver forms to the court for filing as proof of service.

In addition, the plaintiff must

- deliver a copy of the complaint, together with a completed summons, to the United States attorney for the Western District of Wisconsin or send a copy of the summons and complaint by registered or certified mail addressed to the

civil process clerk at the office of the United States Attorney, 660 W. Washington Ave., Madison, WI 53703; and

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- send a copy of the summons and complaint by registered or certified mail to the Attorney General of the United States, 950 Pennsylvania Ave., N.W., Rm. 5111, Washington, DC 20530

Option Two

Note well: This procedure need not be followed unless a defendant refuses to complete and return a waiver form as described above.

Plaintiff may arrange to serve each defendant personally with a summons and complaint. If plaintiff chooses this method of service, he must

- complete a summons form for each defendant (summons forms are available on request from the clerk of court);
- present the completed summons forms to the clerk of this court to obtain his signature and an imprint of the court's seal;
- arrange for someone over the age of 18 years of age who is not a party to the lawsuit to
 - 1) deliver the signed and sealed summons and a copy of the complaint to each defendant personally; or
 - 2) leave the summons and complaint at the defendant's house with a person of suitable age and discretion who lives there with the defendant; or
 - 3) deliver the summons and complaint to an agent authorized by appointment or by law to receive service of process on the defendant's behalf.
- file with the court an affidavit of the person who effected service of the summons and complaint upon the defendants stating the time and date the delivery was made and with whom the summons and complaint was left, or showing a receipt signed by the defendant or other evidence of delivery. Fed. R. Civ. P. 4(l).