

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

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EUGENE L. CHERRY,

Plaintiff,

v.

GERALD BERGE, CINDY SAWINSKI,  
JOLENE MILLER, JOLINDA WATERMAN  
and DR. SAFARI,

Defendants.  
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ORDER

02-C-544-C

On November 29, 2002, I granted plaintiff leave to proceed in forma pauperis in this action on his claim that defendants Dr. Safari, Cindy Sawinski, Jolene Miller, Jolinda Waterman and Gerald Berge were deliberately indifferent to his serious medical needs. Shortly after that, the office of the clerk of court forwarded plaintiff's complaint to the state Attorney General's office for service on the defendants as part of an informal service agreement this court has with the office.

Now the Attorney General's office has notified the court that it has received permission to accept informal service of plaintiff's complaint from defendant Berge, but that it cannot accept service for defendants Sawinski, Miller, Waterman and Safari because they

are not state employees.

Because the informal service agreement does not apply to persons who are not state employees, plaintiff will have to complete a Marshals Service and summons form for defendants Sawinski, Miller, Waterman and Safari so that the United States Marshal can serve them with his complaint. Plaintiff Cherry will have to indicate on the forms an address at which each defendant may be found, which address may be the prison's address if defendants still work there.

#### ORDER

IT IS ORDERED that plaintiff Eugene Cherry may have until January 6, 2003, in which to complete the enclosed Marshals Service and summons forms and return them to the court so that his complaint may be served on defendants Sawinski, Miller, Waterman and Safari. If, by January 6, 2003, plaintiff fails to complete the forms and return them to

the court, then I will dismiss these defendants from the case for plaintiff's failure to prosecute them.

Entered this 17th day of December, 2002.

BY THE COURT:

BARBARA B. CRABB  
District Judge