

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

DANIEL T. SHEA,

Plaintiff,

v.

ELAINE WHEELER and
RICHARD ARNESEN,

Defendants.

ORDER

00-C-0072-C

Plaintiff has been allowed to proceed under 28 U.S.C. § 1915A in this case on his claim that defendants are denying him medical care by refusing to provide him prescribed medication for attention deficit disorder. Now before the court is plaintiff's motion for an order requiring the United States Marshal to serve defendant Richard Arnesen with plaintiff's complaint because Arnesen has refused to sign and return to plaintiff the waiver of service of a summons form sent to him. I construe plaintiff's request as a request that he be allowed to proceed in forma pauperis for the purpose of serving his complaint on defendant Arnesen. The request will be denied.

As plaintiff is aware, he is not eligible for pauper status. He paid the fee for filing this

case after he was advised that he had struck out under the 1995 Prison Litigation Reform Act and 28 U.S.C. § 1915(g). However, I am enclosing to plaintiff with a copy of this order a summons form issued by the clerk of court so that plaintiff may arrange for personal service of his complaint on defendant Arnesen through a local process server. Once service is complete, plaintiff may file proof that he followed the procedures described in Fed. R. Civ. Pro. 4(d)(2) for requesting that Arnesen waive service of a summons, together with a motion for reimbursement of his expenses pursuant to Fed. R. Civ. Pro. 4(d)(5) and proof of those expenses.

ORDER

IT IS ORDERED that plaintiff's motion for a finding that he is indigent for the purpose of serving his complaint on defendant Arnesen is DENIED.

Entered this 1st day of December, 2000.

BY THE COURT:

BARBARA B. CRABB
District Judge