

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

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JUDITH A. PLANTZ,

Plaintiff,

v.

OFFICER BUGSBY; RUSK COUNTY;  
DEAN MEYER, Rusk County Sheriff, in  
his official capacity; and  
THE RUSK COUNTY SHERIFF'S DEPARTMENT,  
jointly and severally,

Defendants.  
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ORDER

03-C-337-C

This is a civil action in which plaintiff complains that she was subjected to the use of excessive force during an arrest and "railroaded" through the court system in Rusk County in violation of her constitutional rights.

Because plaintiff paid the full filing fee, it is not proper to review the legal merits of her complaint before it is served on the defendants and defendants have had an opportunity to respond. Therefore, I express no opinion whether any one or more of plaintiff's claims against the various defendants is legally frivolous.

Plaintiff is responsible for arranging for service of her complaint on the defendants. Under Fed. R. Civ. P. 4(m), a plaintiff has 120 days after filing a complaint in which to serve

a defendant. However, that is an outside limit. This court requires that plaintiffs act diligently in moving their case to resolution. If plaintiff acts promptly, she should be able file proof of service of her complaint on the defendants well within 120 days of filing her complaint.

To guide plaintiff in the procedure for serving a complaint on a municipality, I am enclosing copies of Fed. R. Civ. P. 4 and Wis. Stat. § 801.11(4). (Plaintiff should take particular note of particularly Rules 4 (c), (j)(2) and (l).) Also, I am enclosing a memorandum describing the procedure for serving a complaint on individuals, together with notice of lawsuit and waiver of service of summons forms.

As noted above, plaintiff must file with the court proof of service of the complaint on the defendants after service has been accomplished. The back of the summons form provides space in which the person serving the defendant can attest to the time, place and manner in which service of process was made.

Before undertaking the task of serving her complaint on the defendants, plaintiff may want to consider again whether each of her claims is a claim that a federal court can entertain.

#### ORDER

IT IS ORDERED that plaintiff may have until September 1, 2003, in which to file proof of service of her complaint on the defendants. If, by September 1, 2003, plaintiff has

been unable to serve her complaint on one or more of the defendants, she must advise the court in writing of the steps she has taken to accomplish service and provide an estimate how much additional time she believes will be needed to complete this task. If plaintiff fails to submit proof of service or otherwise communicate with the court about the progress of her efforts to do so by September 1, 2003, then the clerk of court is directed to enter judgment dismissing this case without prejudice for plaintiff's lack of prosecution.

Entered this 1st of July, 2003.

BY THE COURT:

BARBARA B. CRABB  
District Judge