

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

MARK WOODARD,

Plaintiff,

v.

ROCK COUNTY COURTHOUSE and
WI COURT of APPEALS OFFICE OF CLERK,

Defendants.

ORDER

03-C-0033-C

This is a civil action for monetary relief in which plaintiff Mark Woodard alleges that in August 2002, he “sent a mailing” to the clerk of court for Wisconsin Court of Appeals District IV and to the Rock County circuit court and that in January 2003, “the paperwork for my case or cases” was returned. He contends that he is being denied his constitutional right of access to the courts. This court has jurisdiction to hear his claim under 28 U.S.C. § 1331.

Plaintiff has paid the fee for filing his complaint. He is now responsible for serving the complaint on the defendants in compliance with Fed. R. Civ. P. 4, a copy of which is enclosed to plaintiff with this order. I note, however, that before he serves his complaint,

plaintiff may wish to file an amended complaint with this court naming the clerk of the Rock County Circuit Court as a defendant in place of the defendant he now lists as the “Rock County Courthouse.” As a physical structure, the “courthouse” cannot be sued. It is incapable of accepting service of plaintiff’s complaint or responding to it.

ORDER

IT IS ORDERED that plaintiff may have until February 21, 2003, in which to amend the caption of his complaint to name a suable entity in place of the Rock County Courthouse. Immediately thereafter, plaintiff should arrange to serve his complaint on the defendants in compliance with Fed. R. Civ. P. 4 and to file proof of service with the court when such service has been accomplished.

Entered this 6th day of February, 2003.

BY THE COURT:

BARBARA B. CRABB
District Judge