

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

ANTONIO DIAZ,

ORDER

Petitioner,

04-C-651-C

v.

JOSEPH SCIBANA, Warden of
Oxford Prison Camp,

Respondent.

In an order entered in this case on September 8, 2004, I gave respondent until September 14, 2004, in which to respond to petitioner's petition for a writ of habeas corpus. Because the deadline for responding to the petition was accelerated to insure that the petition could be decided expeditiously, I provided the United States Attorney for this district with a courtesy copy of petitioner's petition. However, I told petitioner that it was his responsibility to serve the respondent formally with his petition pursuant to Fed. R. Civ. P. 4(i), and to submit proof of service to the court as promptly as possible pursuant to Rule 4(1). I told petitioner that a copy of the postmarked certified mail receipt for each of the individuals to whom the petition was sent would constitute proof of service.

Now respondent has filed a response to petitioner's petition, but petitioner has not

yet submitted proof that he served his petition on the respondent as Rule 4(l) requires. Until such proof is filed, I do not intend to rule on the petition.

ORDER

IT IS ORDERED that petitioner is to file proof of service of his petition on the respondent promptly. As soon as the record reflects that proper service has occurred, I will take the petition under advisement.

Entered this 15th day of September, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge