

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

JAMES G. DUDGEON

Petitioner,

ORDER

v.

04-C-75-C

WISCONSIN DEPARTMENT OF CORRECTIONS,
MATTHEW J. FRANK, Secretary, Sued in their
individual and official capacities;
OAKHILL CORRECTIONAL INSTITUTION, DICK
VERHAGEN, Warden, sued in their official and
individual capacities;
THOMPSON CORRECTIONAL CENTER, WCCS,
JANE DIER-ZIMMEL, Superintendent, ROY BOUTAN,
Correctional Captain, TODD JOHNSON, Correctional
Captain, sued in their official and individual capacities,
WISCONSIN COMMUNITY CORRECTIONS SYSTEM,
WAYNE MIXDORF, Deputy Warden, sued in their official
and individual capacities,

Respondents.

Petitioner James Dudgeon submitted a proposed complaint earlier this month. In an order dated February 17, 2004, I assessed petitioner an initial partial payment in the amount of \$5.13 and I ordered him to submit this payment by March 10, 2004. In a letter filed on February 25, 2004, petitioner writes that he has enclosed a check for \$5.13 as well as

receipts indicating proof of service of his complaint on respondents.

Unfortunately, neither the check nor proof of service was enclosed with petitioner's letter. I will enlarge the time for petitioner to make his initial partial payment until March 17, 2004, so that he may have time to investigate this problem. Petitioner should also know that he may not serve his complaint on respondents until this court grants him leave to proceed. Further, under most circumstances, a prison who has been granted leave to proceed in forma pauperis in a lawsuit against a state prison official need not take personal responsibility for serving his complaint on the defendants because the state Attorney General's office has agreed to notify prison officials of any lawsuits filed against them and accept service of the complaint on an official's behalf if the official agrees to it. Therefore, at this time, petitioner should focus on making his initial partial payment. The court will inform petitioner if additional actions are required by him with respect to serving his complaint on respondents.

ORDER

IT IS ORDERED that petitioner James Dudgeon may have until March 17, 2004, in which to submit his initial partial payment of \$5.13. If, by March 17, 2004, petitioner fails to pay the initial partial payment or show cause for his failure to do so, he will be held to have withdrawn this action voluntarily. In that event, the clerk of court is directed to close

this file without prejudice to petitioner's filing his case at a later date.

Entered this 27th day of February, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge