

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

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JAMES JENKINS,

Petitioner,

v.

FREDDRICK WILSON and  
MR. BANKSON, Dane County Deputy Sheriffs,

Respondents.  
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ORDER

05-C-609-C

On October 31, 2005, I granted plaintiff James Jenkins leave to proceed in this civil action against defendants Freddrick Wilson and Mr. Bankson, who plaintiff alleged had used excessive force against him on August 22, 2005, in violation of his constitutional rights. Subsequently, the United States Marshal filed "Process Receipt and Return" forms showing that he was unable to serve either defendant with plaintiff's complaint because no deputy sheriffs by those names could be found at the Dane County jail. In an order dated November 23, 2005, I advised plaintiff that he would have to investigate the matter further and correct the names of the defendants. I told plaintiff that if he failed to identify the defendants properly so that they could be served with his complaint, this case would have

to be dismissed.

Now plaintiff has submitted letters dated December 5, 2005 and December 13, 2005, which respond to the November 23 order. According to plaintiff, the correct name of defendant Wilson is James Wilson. As for the other defendant, plaintiff has obtained a report of the August 22 incident which shows that name of the responding officer to be Tim Bengtson. Although plaintiff professes to be skeptical whether Bengtson is, indeed, the deputy sheriff who allegedly assaulted him on August 22, 2005, he states he is prepared to name him as a defendant. Therefore, I will substitute the names of James Wilson and Tim Bengtson for the names of Freddrick Wilson and Mr. Bankson in the caption of plaintiff's complaint and these change are to be reflected in all future filings in this case. In addition, I will ask the clerk of court to prepare Marshal Service and summons forms for James Wilson and Tim Bengtson and forward the completed forms, together with plaintiff's complaint, to the United States Marshal for service on these individuals.

In his December 5 letter, plaintiff suggests that if he cannot obtain the correct names of the defendants, then he will need a lawyer appointed to represent him. To the extent that plaintiff's letter can be construed to include a motion for appointment of counsel, the motion will be denied as moot, given that plaintiff appears to have succeeded in identifying the defendants.

ORDER

IT IS ORDERED that the names of James Wilson and Tim Bengtson are substituted for the names of Freddrick Wilson and Mr. Bankson in the caption of plaintiff's complaint and in all future filings in this case. The clerk of court is requested to prepare Marshal Service and summons forms for James Wilson and Tim Bengtson and forward the completed forms, together with plaintiff's complaint, to the United States Marshal for service on these individuals.

Further, IT IS ORDERED that plaintiff's motion for appointment of counsel is DENIED.

Entered this 21st day of December, 2005.

BY THE COURT:  
/s/  
BARBARA B. CRABB  
District Judge