

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

RICHARD JOHN BAUER,

Plaintiff,

v.

JULEANN HORNYAK,
JANE DOE (Unknown), and
ROBERT THOMAS,

Defendants.

ORDER

07-C-055-C

Plaintiff has filed a document that he titles “Motion for Assistance of Summons.” In the document, plaintiff requests an order from the court directing the United States Marshals Service to serve his complaint. Plaintiff’s reasons for making this request are not clear; he says only that “[i]t is impossible for me to send a waiver as per Supreme Court of Illinois letter from clerk Juleann Hornyak.”

Unfortunately, the court is authorized to order the marshals to serve a complaint only in cases in which the plaintiff is indigent and proceeding in forma pauperis under 28 U.S.C. § 1915. A plaintiff not proceeding in forma pauperis must either seek a waiver of service of summons as explained in Fed. R. Civ. P. 4(d)(2) or arrange to have a person over the age of

18 serve the complaint on each defendant personally as explained in Fed. R. Civ. P. 4(c).

Plaintiff did not seek pauper status when he filed his complaint. Instead, he simply paid the filing fee in full. If petitioner believes that he qualifies to proceed in forma pauperis, he may complete the enclosed form and return it to the court for a determination whether he is indigent. If plaintiff qualifies to proceed in forma pauperis, the court will direct the marshals service to serve plaintiff's complaint.

Plaintiff should be aware of the need for speed in responding to this order. If he believes he is indigent, he should not delay in completing the enclosed form. As explained in the February 8 order, he has 120 days in which to serve the defendants. This deadline will not be suspended by a request to proceed in forma pauperis. If plaintiff does not qualify for pauper status, he will have to serve the defendants all the more swiftly in compliance with Rule 4.

Also, this court is obligated under 28 U.S.C. § 1915(e)(2) to screen all complaints of plaintiffs proceeding in forma pauperis to determine whether the complaint states a complain upon which relief may be granted, among other things. Thus, if plaintiff seeks pauper status and receives it, his complaint will be subject to dismissal if does not satisfy the

requirements of § 1915(e)(2).

ORDER

IT IS ORDERED that petitioner's "Motion for Assistance of Summons" is DENIED.

Entered this 12th day of March, 2007.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge