

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

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ANDREW J. BIGBEE,

Plaintiff,

v.

RALPH SADOWSKI, Investigative Supervisor;  
DANIEL WINGER, Correctional Officer,

Defendants.  
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ORDER

07-C-312-C

Plaintiff Andrew Bigbee, a resident of the state of Minnesota and former federal prisoner, has filed an action under Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971), contending that while he was incarcerated at the Federal Correctional Institution in Oxford, Wisconsin, defendants violated his constitutional rights. Plaintiff has paid the filing fee. Because he was not a prisoner at the time he filed his complaint in this case, he is not subject to the 1996 Prison Litigation Reform Act and his complaint does not require screening under 28 U.S.C. § 1915A. Instead, the next step is for plaintiff to serve his complaint on the defendants.

Under Fed. R. Civ. P. 4(m), a plaintiff has 120 days after filing a complaint in which

to serve the defendants. However, that is an outside limit with few exceptions. This court requires that a plaintiff act diligently in moving his case to resolution. If plaintiff acts promptly, he should be able to serve his complaint on the defendant well before the deadline for doing so established in Rule 4.

To help plaintiff understand the procedure for serving a complaint on federal officers, I am enclosing with this memorandum a copy of document titled "Procedure for Serving a Complaint on Individual Federal Officers in a Federal Lawsuit." In addition, I am enclosing to plaintiff the extra copies of his complaint he sent this court and forms he will need to send to the defendant in accordance with the procedures set out in Option 1 of the memorandum.

#### ORDER

IT IS ORDERED that plaintiff promptly serve his complaint on the defendants and the United States as required by Fed. R. Civ. P. 4(i)(2)(B) and file proof of service of his complaint as soon as service has been accomplished. If, by July 25, 2007, plaintiff fails to submit proof of service of his complaint on the defendants or explain his inability to do so,

I will direct plaintiff to show cause why his case should not be dismissed for lack of prosecution.

Entered this 12th day of June, 2007.

BY THE COURT:

/s/

BARBARA B. CRABB  
District Judge