

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

DARREN ROGERS,

Plaintiff,

v.

ORDER

08-cv-171-slc

WISCONSIN DEPARTMENT OF CORRECTIONS,
MATTHEW FRANK,
RICHARD RAEMISCH,
CHERYLL MAPLES,
WILLIAM GROSSHANS,
DENISE SYMDON,
MICHELE ROSE,
JAY TAYLOR,
MARK MELLENTHIN,
MARIE FINLEY,
BRENT BOEHLKE,
TERRI REES,
LEANNE MOBERLY,
BREANDA STACEY,
JULIE BASEL,
ROBERTA JOHNSON,
SHELLY TRIMBLE,
HOLLY CAMPBELL n/k/a Holly Osowski, and
RITA DAMON,

Defendants.

In an order entered in this case on June 20, 2008, I directed that no later than June 30, 2008, plaintiff advise the court and opposing counsel, in writing, whether he remained interested in prosecuting this case. I said that if, by June 30, 2008, plaintiff failed to respond to the order, his case would be dismissed, but that if he did respond in the affirmative, the United States Marshal was to act “immediately” to make personal service

of his amended complaint on the unserved defendants. On June 30, 2008, plaintiff advised the court and opposing counsel that he intended to pursue prosecution of this case. However, before plaintiff filed his response, defendants moved to revoke plaintiff's in forma pauperis status on the ground that plaintiff was not truthful when he reported his income in his affidavit of indigency.

The question whether plaintiff is entitled to proceed in forma pauperis in this case has a direct impact on matters relating to service of process. If plaintiff qualifies for indigent status, the in forma pauperis statute allows the court to ask the marshal to serve his complaint. If plaintiff does not qualify for indigent status, the marshal is not authorized to serve without prepayment of the costs of service. Rather, plaintiff is responsible for arranging for service at his own expense.

Therefore, IT IS ORDERED that the requirement that the marshal serve plaintiff's complaint "immediately" is STAYED pending resolution of defendants' motion to revoke plaintiff's in forma pauperis status.

Entered this 2nd day of July, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge