

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

ARVIND M. PATEL,

Plaintiff,

v.

U.S. DEPARTMENT OF STATE,
JOSIAH L. KEATS and
2ND FEDERAL AGENT (DOS),

Defendant.

ORDER

11-cv-6-wmc

This is a civil action for injunctive and monetary relief in which plaintiff Arvind M. Patel, who is proceeding pro se, alleges that defendant United States Department of State is wrongfully withholding issuance of his passport and that defendants Josiah Keats and 2nd Federal Agent (DOS) threatened him with arrest in violation of his rights under the United States Constitution. Plaintiff has paid the \$350 fee for filing this case.

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 a defendant. 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, I am enclosing with this order copies of two documents titled "Serving the United States, Its Agencies, Corporations, Officers, or Employees" and "Procedure for Serving a Complaint on Individual Federal Officers in a Federal Lawsuit". In addition, I am enclosing to plaintiff two extra copies of his complaint

and the forms he will need to send to the defendants in accordance with the procedures set out in the enclosed documents. I do not expect plaintiff to serve his complaint on the 2nd Federal Agent (DOS) until after he discovers his real name and amends his complaint to name him.

ORDER

IT IS ORDERED that plaintiff promptly serve his complaint on the defendants and file proof of service as soon as service has been accomplished. If, by March 7, 2011, plaintiff fails to submit proof of service of his complaint on the defendant 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 10th day of January, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge