

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

R. DAVID WIESSKOPF,

Plaintiff,

v.

YAAKOV NEEMAN, MOSHE KAHLON,
SIMONA SHTEINMETZ, RUTH EISENMANN,
EDNA BROWNSHTEIN, ORLI OSTERMANN,
DR. SILVAO GUTKOVSKY and
P.E.F. ISRAEL ENDOWMENT FUND, INC.,
Defendants.

ORDER

11-cv-665-slc

This is a civil action that plaintiff R. David Weisskopf, proceeding pro se, has filed against defendants Yaakov Neeman, Moshe Kahlon, Simona Shteinmetz, Ruth Eisenmann, Edna Brownshtein, Orli Ostermann, Dr. Silvao Gutkovsky and P.E.F. Israel Endowment Fund. On September 29, 2011, I granted plaintiff leave to proceed without prepayment of fees or costs and I ordered plaintiff's complaint to be taken under advisement to determine whether this action is (1) frivolous or malicious, (2) fails to state a claim on which relief may be granted, or (3) seeks money damages from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2). Plaintiff has now paid the \$350 filing fee in this action. Accordingly, the court no longer needs to screen plaintiff's complaint and his motion for leave to proceed *in forma pauperis* will be denied as unnecessary. *See* dkt. 2.

On December 28, 2011, plaintiff filed an amended complaint with the court. According to the Fed. R. Civ. P. 15(a)(1), a party may amend a pleading once as a matter of course before being served with a responsive pleading. Defendants have not yet been served in this case. Therefore, plaintiff's amended complaint is accepted as the operative pleading in this case. *See* dkt. 5.

Since plaintiff has now paid the full filing fee in this case, the next step is for plaintiff to serve his amended complaint on the defendants. All of the defendants listed on plaintiff's amended complaint are located in the country of Israel. The United States and Israel are parties to the Hague Convention on the Service Abroad of Judicial and Extra Judicial Documents in Civil and Commercial Matters. To help plaintiff understand the procedure for serving a complaint on defendants in the country of Israel, plaintiff is encouraged to visit the United States Department of State's website at http://travel.state.gov/law/judicial/judicial_3172.html. According to the instructions on that website, a service request form, USM-94 (enclosed) should be completed for each defendant in duplicate and submitted with two sets of the complaint documents to be provided directly to the Israeli Central Authority at The Director of Courts, Directorate of Courts, 22 Kanfei Nesharin St., Jerusalem 95464, P.O.B. 34142, Israel. Plaintiff is encouraged to call the Israeli Director of Courts at +972 (2) 655 6847 or visit the Hague Conference website at http://www.hcch.net/index_en.php?act=authorities.details&aid=260 for more complete information.

On a final note, plaintiff has filed a motion for extension of time to serve defendants. *See* dkt. 6. Under Fed. R. Civ. P. 4(m), a plaintiff has 120 days after filing a complaint in which to serve the defendants. However, all of the defendants listed on plaintiff's amended complaint are located outside of the United States. According to the Fed. R. Civil. P. 4(m), the time limit to serve the complaint on defendants does not apply to service in a foreign country. Plaintiff's motion will be denied as unnecessary. Nevertheless, plaintiff is advised that this court requires that a plaintiff act diligently in moving his case to resolution.

ORDER

IT IS ORDERED that:

1. Plaintiff R. David Weisskopf's motion for leave to proceed *in forma pauperis*, dkt. 2, is DENIED as unnecessary.
2. Plaintiff's motion for extension of time to serve his complaint on defendants, dkt. 6, is DENIED as unnecessary.
3. The clerk of court is directed to issue the summonses for the defendants in this case. Plaintiff must then serve the summons and amended complaint on the defendants promptly. He should file proof of service of his complaint as soon as he has served each defendant. ("Proof of service" as provided by the Hague Convention.) By June 5, 2012, plaintiff is to file proof of service of his complaint on the defendants or tell the court why he cannot do so. If he does not file the proof of service or explain why he could not serve the defendants, I will order him to explain why his case should not be dismissed for lack of prosecution.

Entered this 5th day of April, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge