

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

In Re: Screening of Complaints

ADMINISTRATIVE ORDER 421

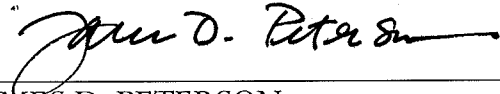
Federal Rule of Civil Procedure 4(b) says that “[o]n or after filing the complaint, the plaintiff may present a summons to the clerk for signature and seal. If the summons is properly completed, the clerk must sign, seal, and issue it to the plaintiff for service on the defendant.” But in certain cases, the court must take action before the clerk should issue summonses. The clerk is directed not to issue a summons when:

1. A plaintiff without counsel seeks leave to proceed without prepayment of the entire filing fee (also known as *in forma pauperis* status). In such cases, the court must screen the complaint under 28 U.S.C. § 1915 before considering issuing summonses. In screening the complaint, the court will identify the allegations that state plausible claims for relief. The court will dismiss the complaint, or any portion of the complaint, if it is frivolous, malicious, fails to state a plausible claim for relief, or seeks monetary relief from a defendant who is immune from such relief.
2. A prisoner seeks redress from a government defendant, whether or not the prisoner has paid the filing fee. In such cases, the court must screen the complaint under 28 U.S.C. § 1915A. In screening the complaint, the court will identify the allegations that state plausible claims for relief. The court will dismiss the complaint, or any portion of the complaint, if it is frivolous, malicious, fails to state a plausible claim for relief, or seeks monetary relief from a defendant who is immune from such relief.
3. A plaintiff without counsel who does not fall within the provisions of 28 U.S.C. §§ 1915 or 1915A has paid the filing fee. In such cases, the court will examine the complaint for subject matter jurisdiction pursuant to its inherent authority “to screen complaints filed by all litigants, prisoners and non-prisoners alike, regardless

of their fee status.” *Rowe v. Shake*, 196 F.3d 778, 783 (7th Cir. 1999). In those cases, the clerk is directed not to issue a summons until the court has examined the complaint in the manner described above.

Entered February 2, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "James D. Peterson", written over a horizontal line.

JAMES D. PETERSON
Chief District Judge