



account. Additionally, plaintiff has received \$1957.20 in deposits to his prison account within the last six months. Accordingly, it is the opinion of the court that plaintiff has sufficient funds to prosecute this action by serving the defendants. Therefore, plaintiff's application to proceed *in forma pauperis* should be denied.

While the court has declined to order the Marshal to serve the defendants, plaintiff is not prohibited from contacting the United States Marshal's Office, requesting the fee schedule for service of process, and requesting service of process.

O R D E R

For the reasons set forth above, plaintiff's motion to proceed *in forma pauperis* for service of process should be denied. It is therefore

**ORDERED** that plaintiff's motion to proceed *in forma pauperis* for service of process is **DENIED**. Plaintiff has been provided an extension of time through November 23, 2009 in which to serve the defendants. Plaintiff's failure to effect service within the time provided may result in dismissal of this action pursuant to FED. R. CIV. P. 4.

**SIGNED** this 20 day of October, 2009.

  
EARL S. HINES  
UNITED STATES MAGISTRATE JUDGE