

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION

LARRY O. CAMPBELL

PLAINTIFF

v.

CIVIL NO. 09-3074

MICHAEL J. ASTRUE, Commissioner
Social Security Administration

DEFENDANT

ORDER

On November 12, 2009, Plaintiff submitted a complaint and a motion to proceed *in forma pauperis* for filing in this district. (Docs. # 1-2). On November 25, 2009, Plaintiff's motion to proceed *in forma pauperis* was denied and he was directed to tender the filing fee on or before December 8, 2009. (Doc. # 6). Plaintiff failed to submit the filing fee within the time permitted by the court. Subsequently, the Honorable James R. Marschewski recommended that the case be dismissed for failure to obey a court order. (Doc. # 7). On December 10, 2009, Plaintiff tendered the filing fee. As a result, the Honorable Jimm Larry Hendren did not approve the Report and Recommendation and considered the complaint properly filed as of February 16, 2010. (Doc. # 8).

On June 4, 2010, Plaintiff filed a Motion for Ruling on the Clerk. (Doc. # 9). In his motion, Plaintiff states that the clerk did not issue a summons to each defendant pursuant to Rule 4(b) of the Federal Rules of Civil Procedure. However, we have no record that any summonses were ever received by the clerk's office.¹ Counsel has the responsibility to provide the court with summonses in the proper form before they can be issued by the clerk. *See* Fed. R. Civ. P. 4(b). As such, Plaintiff

¹ When a complaint is provisionally filed in this district, the clerk returns the *in forma pauperis* application as well as any summons(es) provided by counsel. It is counsel's duty to re-submit any summons(es) when the complaint is formally filed.

is directed to provide a summons as to each defendant so that they may be issued by the clerk.

Accordingly, Plaintiff's motion is DENIED.

IT IS SO ORDERED this 8th day of June 2010.

/s/ J. Marschewski

HON. JAMES R. MARSCHEWSKI
CHIEF U.S. MAGISTRATE JUDGE