

1 the complaint in the event he pays the filing fee and the complaint is found to state a claim,
2 Plaintiff's motion is GRANTED.¹ Fed. R. Civ. P. 4(c)(3).

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4 IT IS SO ORDERED.

5 **Dated:** September 8, 2009

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE

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¹ Because Plaintiff may not proceed in forma pauperis in this action, 28 U.S.C. § 1915(g), he is not entitled to service by the Marshal, Fed. R. Civ. P. 4(c)(3). However, the Court may, upon motion, appoint the Marshal for service. Fed. R. Civ. P. 4(c)(3)