

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

MICHAEL JOHN MCGLOTHIN,

1:10-cv-00247-AWI-GBC (PC)

Plaintiff,

ORDER DENYING PLAINTIFF’S MOTION  
FOR COPY OF RETURNED CHECK

v.

Doc. 30

K. HARRINGTON, et al.,

Defendants.

\_\_\_\_\_ /

On February 16, 2010, Plaintiff, a state prisoner proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983. On August 22, 2011, the Court ordered Plaintiff to effectuate service within forty-five days. Doc. 25. On September 7, 2011, Plaintiff requested to have the United States Marshal effectuate service. Doc. 26. On September 20, 2011, the Court granted Plaintiff’s request and directed Plaintiff to submit the service documents. Doc. 27. However, since Plaintiff is not proceeding in forma pauperis, Plaintiff must submit a cashier’s check or money order made payable to the United States Marshal in the amount of \$32.00. On September 29, 2011, Plaintiff submitted the service documents and a check for \$32.00. The Clerk of the Court returned the check to Plaintiff with a copy of the Court’s September 20, 2011 order, which required Plaintiff to submit a cashier’s check or money order. On December 21, 2011, Plaintiff filed a motion for a copy of the returned check and a copy of the Court’s September 20, 2011 order. On January 9, 2012, Plaintiff submitted a money order for \$32.00.

In Plaintiff’s motion for a copy of his returned check, he states he did not receive a copy of the Court’s order from September 20, 2011, which included the service documents for Plaintiff to complete. However, since Plaintiff completed the service documents and submitted them to the Court with a check

1 for \$32.00 on September 29, 2011, it appears that Plaintiff did receive the order. In addition, the Clerk  
2 of the Court served the September 20, 2011 order on Plaintiff, and it was not returned in the mail as  
3 undeliverable. As to Plaintiff's request for a copy of his returned check, the Clerk of the Court already  
4 returned the check to Plaintiff. Moreover, since the Court ordered him to provide a cashier's check or  
5 money order, the Court will not expend its judicial resources to make a copy of a check that Plaintiff was  
6 not supposed to send. Finally, Plaintiff has not expressed a compelling reason why he needs a copy of  
7 his returned check.

8 Accordingly, it is HEREBY ORDERED that:

- 9 1. Plaintiff's motion for a copy of the returned check is DENIED; and
- 10 2. The Court directs the Clerk of the Court to send another copy of the September 20, 2011  
11 order, which Plaintiff alleges he did not receive.

12  
13 IT IS SO ORDERED.

14 Dated: January 17, 2012

  
15 UNITED STATES MAGISTRATE JUDGE