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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LUIS VALENZUELA RODRIGUEZ,

Plaintiff,

v.

SUSAN HUBBARD, et al.,

Defendants.

Case No. 1:10-cv-00858-DLB PC

**ORDER DENYING MOTION TO
PROCEED IN FORMA PAUPERIS AS
MOOT (ECF No. 41)**

**ORDER GRANTING PLAINTIFF
EXTENSION OF TIME TO COMPLETE
SERVICE OF PROCESS (ECF No. 43)**

120 DAY DEADLINE

Plaintiff Luis Valenzuela Rodriguez (“Plaintiff”) is a California state prisoner proceeding pro se in a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed his third amended complaint on February 29, 2012. By separate order, the Court has screened Plaintiff’s third amended complaint pursuant to 28 U.S.C. § 1915A(a) and finds that it states cognizable claims for relief against Defendants Hubbard, Cate, Harrington, Biter, Soto, Phillips, Da Veiga, Ozaeta, Betzinger, Gregory, Garza, Wegman, Alic, Grissom, Speidell, Davis, Foster, Freir, and Rankin.

On October 22, 2012, Plaintiff filed a motion to proceed in forma pauperis in this action. ECF No. 41. That motion is denied as moot. The filing fee in this action was paid in full.

On November 13, 2012, Plaintiff moved for the Court to “honor” its previous order, or in the alternative, grant Plaintiff an extension of time to complete service of process. Plaintiff refers to the Court’s May 14, 2010 Order, in which the Court stated, “The court will direct the United States Marshal to serve plaintiff’s complaint only after the court has screened the complaint and determined

1 that it contains cognizable claims for relief against the named defendants.” Plaintiff contends that
2 the Court had agreed to direct the United States Marshal to effect service once the Court determined
3 that Plaintiff’s complaint contains cognizable claims for relief. Plaintiff is incorrect. Pursuant to
4 Rule 4(c)(3) of the Federal Rules of Civil Procedure, the Court **may** order service by the United
5 States Marshal at Plaintiff’s request, and **must** order only if the Plaintiff is authorized to proceed in
6 forma pauperis. As stated previously, Plaintiff is not proceeding in forma pauperis.

7 Plaintiff will be granted additional time to complete service of process. Accordingly, it is
8 **HEREBY ORDERED** that Plaintiff is granted **one hundred twenty (120) days** from the date of
9 service of this order in which to complete service of process on Defendants.

10
11 **IT IS SO ORDERED.**

12 Dated: November 15, 2012

/s/ Dennis L. Beck
13 UNITED STATES MAGISTRATE JUDGE