UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

COREY TAYLOR; JOTASHA TAYLOR, Plaintiffs, v. WALMART, INC., Defendant.	1:10cv01138 OWW DLB ORDER DENYING MOTION TO DESIGNATE ACTION LEGAL SUPPORT SERVICE AS PROCESS SERVER (Document 16)

Plaintiffs Corey Taylor and Jotasha Taylor ("Plaintiffs") are proceeding pro se and in forma pauperis in this action. Plaintiffs filed their complaint upon which this action proceeds on June 24, 2010.

On August 3, 2010, the Court found that Plaintiffs' complaint stated certain cognizable claims for relief against Defendant. The Court ordered Plaintiffs to provide information for service of process, including form USM-285 and copies of the complaint for service.

After Plaintiffs filed the required papers, the Court directed the Clerk of the Court to forward the documents to the United States Marshal for service. The Court also directed the United States Marshal to request waiver of service and, if Defendant did not return the waiver of service within a specified time, to personally serve Defendant.

Now pending before this Court is Plaintiffs' motion to designate Action Legal Support Service as process server, which was filed on September 16, 2010.

As noted, Plaintiffs are proceeding in forma pauperis under 28 U.S.C. § 1915. Pursuant to Federal Rule of Civil Procedure 4(c)(3), the Court is required to appoint a process server for a plaintiff authorized to proceed in forma pauperis. Fed. R. Civ. P. 4(c)(3). The Court may appoint a United States marshal or deputy marshal for this purpose. Id.; 28 U.S.C. § 1915(d). Here, the Court has directed the United States Marshal to serve process for Plaintiffs in this matter. The completed service documents already have been forwarded to the United States Marshal for service. Therefore, Plaintiffs' motion to designate a process server is unnecessary and is DENIED AS MOOT.

IT IS SO ORDERED.

Dated: **September 22, 2010**

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE