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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

LONG WAY,)	1:12cv00357 AWI DLB PC
)	
Plaintiff,)	ORDER DENYING PLAINTIFF’S
)	REQUEST FOR UNITED STATES
vs.)	MARSHAL SERVICE WITHOUT
)	PREJUDICE
20 UNKNOWN EMPLOYEES,)	
)	(Document 114)
Defendants.)	

Plaintiff Long Way (“Plaintiff”), a federal prisoner proceeding pro se, filed this civil action on March 9, 2012, pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971), which provides a remedy for violation of civil rights by federal actors. Plaintiff paid the filing fee and is therefore not proceeding in forma pauperis.

Numerous Defendants have been served and a response is currently due on or before April 24, 2014.

On March 20, 2014, Plaintiff filed a request to have the United States Marshal serve the remaining four Defendants. Plaintiff states that Defendants Taitano, Gallegos and Watkins did not return the waiver. He states that Defendant Fields’ summons was returned as undeliverable.¹

¹ Defendants provided the addresses for service.

1 Plaintiff explains that he does not have the funds to hire a private process server and requests that
2 the Court appoint the United States Marshal to serve these four Defendants.

3 The United States Marshal is generally only required to serve process for plaintiffs
4 proceeding in forma pauperis. As Plaintiff is not proceeding in forma pauperis at this time, he is
5 not entitled to United States Marshal service.

6 Accordingly, Plaintiff's motion is DENIED WITHOUT PREJUDICE. If Plaintiff wishes
7 to proceed in forma pauperis for purposes of service, he must submit an application to proceed in
8 forma pauperis and a prison trust account statement.

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10 IT IS SO ORDERED.

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12 Dated: April 1, 2014

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