

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

10 MANUEL ANTONIO GONZALEZ III, Case No. 1:15-cv-01098-LJO-SKO (PC)

11 Plaintiff,

12 || v.

13 J. RAZO, et al.,

Defendants.

Case No. 1:15-cv-01098-LJO-SKO (PC)

ORDER DENYING MOTION FOR
RECONSIDERATION OF ORDER
DENYING IN FORMA PAUPERIS MOTION
AS MOOT AND GRANTING MOTION FOR
SERVICE BY UNITED STATES MARSHAL

(Doc. 20)

16 Plaintiff Manuel Antonio Gonzalez III (“Plaintiff”), a state prisoner proceeding pro se,
17 filed this civil rights action pursuant to 42 U.S.C. § 1983 on July 16, 2015. On September 2,
18 2015, Plaintiff filed a motion seeking reconsideration of the order denying his motion for leave to
19 proceed in forma pauperis. Plaintiff asserts that he had to borrow money for the filing fee from his
20 elderly parents and he cannot afford to pay a process server.

21 Plaintiff paid the filing free and his subsequent motion to proceed in forma pauperis was
22 therefore denied as moot. (Docs. 13, 14, 15.) Neither a change of circumstances nor a change of
23 heart is grounds for a filing free refund, and Plaintiff's motion for reconsideration is denied. Fed.
24 R. Civ. P. 60; Local Rule 230(j). However, good cause exists to grant Plaintiff's request for
25 service of process by the United States Marshal. Fed. R. Civ. P. 4(c)(3). Once Plaintiff's
26 complaint is screened, and assuming it is found to state cognizable claims for relief, 28 U.S.C. §
27 1915A, the Marshal will be appointed to initiate service of process on Plaintiff's behalf without
28 prepayment of costs, Fed. R. Civ. P. 4(c)(3).

Accordingly, Plaintiff's motion for reconsideration is DENIED but his request for service of process by the United States Marshal is GRANTED.

IT IS SO ORDERED.

Dated: October 13, 2015

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE