

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

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SALADAN RUSHDAN, aka,
ROBERT WOODS,

Plaintiff,

No. CIV S-06-0729 GEB GGH P

vs.

TOM PERBULA, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has paid the filing fee.

On August 12, 2009, the court granted plaintiff thirty days to either file an in forma pauperis application or a short declaration stating his intention to attempt service of defendants. The court informed plaintiff that if it granted his application to proceed in forma pauperis, it would order service by the U.S. Marshal.

On August 26, 2009, plaintiff filed a “motion of service of complaint.” Plaintiff states that he will pay for the cost of service of the complaint by either the Clerk of the Court or the U.S. Marshal. Plaintiff is informed that there is no procedure by which he may pay the U.S. Marshal or the Clerk to serve the complaint. The Clerk of the Court is unable to serve a

1 complaint. If plaintiff wants the U.S. Marshal to serve the complaint, he must file an application
2 to proceed in forma pauperis.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. Plaintiff's motion for service (no. 53) is denied;
- 5 2. Plaintiff is granted thirty days to file either an in forma pauperis application or
6 a short declaration stating his intention to attempt service of defendants.

7 DATED: September 16, 2009

8
9 /s/ Gregory G. Hollows
10 _____
11 UNITED STATES MAGISTRATE JUDGE

12 rush729.ord(2)

13
14
15
16
17
18
19
20
21
22
23
24
25
26