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

RICHARD GREENE,

Plaintiff,

No. 2:09-cv-0793 JFM (PC)

vs.

JAMES TILTON, et al.,

Defendants.

ORDER

_____/

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On June 25, 2009, plaintiff filed a letter seeking USM-285 forms to submit to the U.S. Marshal to serve process. Plaintiff states he is a prison inmate who cannot personally serve the defendants.

However, plaintiff paid the filing fee in this action. Service of process by the U.S. Marshal does not hinge on plaintiff’s status as a prison inmate; rather, it is appropriate only where the inmate is proceeding in forma pauperis. 28 U.S.C. § 1915. On this record, the court cannot determine whether plaintiff might be eligible for in forma pauperis status. Accordingly, the court will direct the Clerk of the Court to send plaintiff the application to proceed in forma pauperis. If plaintiff does not qualify for in forma pauperis, he may hire a process server to accomplish service of process on his behalf.

1 IT IS HEREBY ORDERED that:

2 1. Plaintiff's June 25, 2009 request is denied;

3 2. The Clerk of the Court is directed to send plaintiff an Application to Proceed
4 In Forma Pauperis By a Prisoner; and

5 3. Plaintiff shall submit, within thirty days from the date of this order, an affidavit
6 in support of his request to proceed in forma pauperis.

7 DATED: June 30, 2009.

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9 
10 UNITED STATES MAGISTRATE JUDGE

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Plaintiff,

No. 2:09-cv-0793 JFM (PC)

vs.

JAMES TILTON, et al.,
Defendants.

SUBMISSION OF
IFP or FILING FEE

_____ /

Plaintiff hereby submits the following document in compliance with the court's
order filed _____:

_____ IFP affidavit

DATED:

Plaintiff