1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 JOHN W. WILLIAMS, No. 2:15-cv-1057-JAM-EFB P 12 Plaintiff. 13 **ORDER** v. 14 CALIFORNIA DEPARTMENT OF CORRECTIONS AND 15 REHABILITATION, et al., 16 Defendants. 17 Plaintiff is a state prisoner proceeding pro se in this civil action. Plaintiff, who has paid 18 19 the filing fee, requests assistance from the United States Marshal in effecting service of process 20 on defendants. 21 Rule 4(c)(3) of the Federal Rules of Civil Procedure states that "[a]t the plaintiff's request, 22 the court may order that service be made by a United States marshal or deputy marshal or by a 23 person specially appointed by the court." The Advisory Notes to the Rule indicate that the court 24 retains this discretion in the event that "a law enforcement presence appears to be necessary or 25 advisable to keep the peace" Rule 4, Advisory Committee Notes, 1993 Amendments. Here, 26 there is no apparent need for law enforcement to effect service of process in order to keep the 27 peace, and plaintiff's request must therefore be denied. 28 ///// 1

Plaintiff is not proceeding in forma pauperis, and it is his responsibility to arrange for service of process on defendants. The court is mindful that plaintiff's incarceration presents obstacles in retaining a process server, but it remains plaintiff's responsibility to arrange for service of process.

Accordingly, IT IS HEREBY ORDERED that plaintiff's request for assistance from the United States Marshal (ECF No. 11) is denied. Plaintiff is cautioned that failure to accomplish service within the time prescribed by Rule 4(m) may result in a this action being dismissed for failure to follow court orders, for failure to effect service of process, and/or for lack of prosecution under Rule 41(b) of the Federal Rules of Civil Procedure.

DATED: August 3, 2015.

EDMUND F. BRENNAN

UNITED STATES MAGISTRATE JUDGE