



1 effected within 120 days of the filing of the complaint unless plaintiff demonstrates good cause).<sup>1</sup>  
2 Plaintiff has responded to the order to show cause and renews his previous requests for service of  
3 process by the United States Marshal. ECF Nos. 19, 20. He also seeks leave to proceed in forma  
4 pauperis. ECF No. 22.

5 Plaintiff's request for leave to proceed in forma pauperis is denied because plaintiff has  
6 been designated a "three-strikes" litigant pursuant to 28 U.S.C. § 1915(g) and his allegations (*see*  
7 ECF No. 1) do not demonstrate that he suffered from an ongoing or imminent danger of serious  
8 physical injury at the time he filed his complaint.<sup>2</sup> *See Williams v. Soto*, No. C 12-3583 YGR  
9 (PR), 2014 U.S. Dist. LEXIS 29967 (N.D. Cal. Mar. 7, 2014).

10 However, in an abundance of caution, the court will grant plaintiff another 60 days within  
11 which to complete service of process. Plaintiff is reminded that because he is not proceeding in  
12 forma pauperis and there is no apparent need for law enforcement to effect service of process in  
13 order to keep the peace, *see* ECF Nos. 12, 16, the court cannot direct the United States Marshal to  
14 effect service of process on defendants. *See* Fed. R. Civ. P 4(c)(3).

15 Accordingly, plaintiff's requests for leave to proceed in forma pauperis and for the United  
16 States Marshal to effect service of process (ECF Nos. 20, 22) are denied. Plaintiff is again  
17 cautioned that failure to timely accomplish service will result in a recommendation that this  
18 action be dismissed.

19 So ordered.

20 DATED: June 7, 2016.

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE

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24 <sup>1</sup> The court notes that Rule 4(m) has since been amended to allow for only 90 days to  
25 effect service of process.

26 <sup>2</sup> Pursuant to 28 U.S.C. § 1915(g), a prisoner may not proceed in forma pauperis "if the  
27 prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought  
28 an action or appeal in a court of the United States that was dismissed on the grounds that it is  
frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner  
is under imminent danger of serious physical injury."