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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES R. STANFORD,  
Plaintiff,  
v.  
UNKNOWN,  
Defendant.

No. 2:18-cv-3007-EFB P

ORDER

Plaintiff is a state prisoner proceeding without counsel with an action brought pursuant to 42 U.S.C. § 1983. Plaintiff, who has paid the filing fee and is not proceeding in forma pauperis, objects to the court’s order requiring that he, and not the United States Marshal, effect service of process on defendants. ECF No. 12.

Rule 4(c)(3) of the Federal Rules of Civil Procedure states that “[a]t the plaintiff’s request, the court may order that service be made by a United States marshal or deputy marshal or by a person specially appointed by the court.” The Advisory Notes to the Rule indicate that the court retains this discretion in the event that “a law enforcement presence appears to be necessary or advisable to keep the peace . . . .” Rule 4, Advisory Committee Notes, 1993 Amendments. Here, there is no apparent need for law enforcement to effect service of process in order to keep the peace.

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1 Payment of the court's filing fee does not entitle plaintiff to service of process by the  
2 United States Marshal. To the contrary, it is plaintiff's responsibility to arrange for service of  
3 process on defendants. If plaintiff is indigent, he may request leave to proceed in forma pauperis,  
4 despite having paid the filing fee.

5 Accordingly, IT IS HEREBY ORDERED that plaintiff's objections (ECF No. 12) are  
6 overruled. Plaintiff is cautioned that failure to accomplish service within the time prescribed by  
7 Rule 4(m) of the Federal Rules of Civil Procedure may result in this action being dismissed for  
8 failure to follow court orders, for failure to effect service of process, and/or for lack of  
9 prosecution under Rule 41(b) of the Federal Rules of Civil Procedure. It is further ORDERED  
10 that the Clerk of the Court shall send to plaintiff a copy of this court's form application for leave  
11 to proceed in forma pauperis.

12 DATED: October 7, 2019.

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14 EDMUND F. BRENNAN  
15 UNITED STATES MAGISTRATE JUDGE  
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