

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-02578-CMA-CBS

WAYNE ANDREWS,
Plaintiff, Pro Se,
v.

GARY QUICK,
TIMOTHY GEITHNER,
DOUGLAS SHUMAN,
OFFICER IN CHARGE OF COLLECTIONS, P.O. Box 24017, Stop 76101, Fresno, CA,
ROSEANNE M. MILLER,
LISA K. JONES, and
UNKNOWN AGENTS OF THE INTERNAL REVENUE SERVICE,
Defendants.

ORDER

Magistrate Judge Craig B. Shaffer

This civil action comes before the court on Plaintiff's "Motion to Compel Production of Records." Pursuant to the Order of Reference dated September 23, 2013 (Doc. # 5) and the memorandum dated September 23, 2013 (Doc. # 6), this matter was referred to the Magistrate Judge. The court has reviewed the matter, the entire case file, and the applicable law and is sufficiently advised in the premises.

Plaintiff is not proceeding *in forma pauperis* pursuant to 28 U.S.C. § 1915 (see Receipt Number 57991 for \$400.00 filing fee paid), nor is he incarcerated. Plaintiff resides in Castle Rock, Colorado. (See Complaint (Doc. # 1) at 7 of 7). Plaintiff has not alleged or demonstrated that he is subject to any limitations in his ability to effect service on the Defendants. To the extent that Plaintiff seeks service by the U.S.

Marshal, for these reasons, the court declines to request the U.S. Marshal to effect service and directs that Plaintiff shall proceed himself to serve Defendants.

Accordingly, IT IS ORDERED that:

1. “Motion to Compel Production of Records” (filed September 20, 2013) (Doc. # 4) is DENIED.

2. Plaintiff is reminded that “[i]f a defendant is not served within 120 days after the complaint is filed, the court -- on motion or on its own after notice to the plaintiff -- must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period. . . .” Fed. R. Civ. P. 4(m).

DATED at Denver, Colorado, this 24th day of September, 2013.

BY THE COURT:

s/Craig B. Shaffer
United States Magistrate Judge