

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

JUNG BEA HAN,
Plaintiff,

vs.

Case No. 3:09cv295/LAC/EMT

NICOLE McDONALD
and W. RICHARD FANCHER,
Defendants.

ORDER

This matter is before the court on Plaintiff's "Request of Commencement of Action" (Doc. 15). Plaintiff requests that the court "commence" this action, pursuant to 28 U.S.C. § 1916 and Rule 4(c) of the Federal Rules of Civil Procedure (*id.*).

The court is unable to decipher the nature of Plaintiff's request. Section 1916 relates to suits and appeals initiated by seamen, but Plaintiff does not allege he is a seamen. 28 U.S.C. § 1916. Rule 4(c) of the Federal Rules of Civil Procedure simply provides that a summons and complaint may be served by any person who is at least 18 years old and not a party to the action. Fed. R. Civ. P. 4(c). Neither of these provisions assists the court in determining the nature of Plaintiff's request or the relief he seeks. To the extent Plaintiff is requesting that the court direct the United States Marshals Service to serve the complaint upon Defendants and bear the costs of such service, Plaintiff is advised that federal law authorizes the court to do so only if the plaintiff is proceeding in forma pauperis. *See* 28 U.S.C. § 1915(d). In the instant case, Plaintiff paid the filing fee; therefore, Section 1915 is not applicable.

Accordingly, it is **ORDERED**:

Plaintiff's "Request of Commencement of Action" (Doc. 15) is **DENIED**.

DONE AND ORDERED this 11th day of August 2009.

/s/ Elizabeth M. Timothy

ELIZABETH M. TIMOTHY
UNITED STATES MAGISTRATE JUDGE