



granted leave to proceed *in forma pauperis* and, therefore, appointment of the U.S. Marshal to serve process is not required. Rule 4(c)(3) still provides that the Court may, in its discretion, order the U.S. Marshal to serve process. Given that Plaintiff has not yet paid the full filing fee in this case and may be that Plaintiff will be unable to prosecute it, Plaintiff's motion to appoint the U.S. Marshall to serve process is premature. Therefore, Plaintiff's motion to appoint the U.S. Marshall is **DENIED**, without prejudice.

**IT IS SO ORDERED.**

**DATED: March 26, 2009.**

**s/ WILLIAM D. STIEHL**  
**DISTRICT JUDGE**