

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

J. DONALD HENSON, SR.,)
)
Plaintiff,)
)
v.)
)
DEPARTMENT OF HEALTH AND HUMAN)
SERVICES, FOOD & DRUG)
ADMINISTRATION, FEDERICK J.)
SADLER, and SARAH KOTLER,)
)
Defendants.)

Case No. 3:14-cv-908-DRH-DGW

ORDER

WILKERSON, Magistrate Judge:

Now pending before the Court are the Motions to Compel (Docs. 4, 5, 6, 7, 8, 9) and the Motion for Service of Process at Government Expense (Doc. 3) filed by Plaintiff, J. Donald Henson, Sr., on August 19, 2014. The Motions are **DENIED WITHOUT PREJUDICE**.

Federal Rule of Civil Procedure 4(c)(1) provides that “plaintiff is responsible for having the summons and complaint served within the time allowed by Rule 4(m).” Rule 4(c)(3) further provides that the Plaintiff may request service by the United States Marshal (or Deputy Marshal) and that such service must be ordered if Plaintiff is proceeding *in forma pauperis* pursuant to 28 U.S.C. § 1915. Plaintiff is not proceeding *in forma pauperis* in this matter (he has paid the filing fee); service by the United States Marshal is not mandatory. Therefore, the decision to order service by the United States Marshal is discretionary. *See Koger v. Bryan*, 523 F.3d 789, 803 (7th Cir. 2008). Plaintiff has offered no reason why he cannot effect service upon Defendants through the procedures located in Rule 4. Therefore, the United States Marshal will not be directed to

serve Defendants.

As to Plaintiff's Motions to Compel, Defendants have not been served nor have they entered an appearance. When they are served and when they enter an appearance, discovery will commence as provided by Federal Rule of Civil Procedure 26. Because Plaintiff is proceeding *pro se*, he is encouraged to study the Federal Rules of Civil Procedure and the Pro Se Litigant Guide which can be acquired from the Clerk of Court or from the Court's webpage.

For the foregoing reasons, Plaintiff's Motions (Docs. 3, 4, 5, 6, 7, 8, 9) are **DENIED WITHOUT PREJUDICE**

IT IS SO ORDERED.

DATED: September 2, 2014



DONALD G. WILKERSON
United States Magistrate Judge