

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

SHANE A. KITTERMAN,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 3:20 -CV-00500 -MAB
)	
BRENDAN KELLY, ET AL.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

BEATTY, Magistrate Judge:

Presently before the Court is Plaintiff’s Motion for Reconsideration for Denial of Service (Doc. 29). Plaintiff filed a motion for reconsideration after the Court denied his request for service at the government’s expense (Doc. 28). In his motion, Plaintiff explains that he has mailed two applications to proceed in forma pauperis (“IFP”), alerting the Court to his current financial status. Plaintiff also explains that he has complied with all Court Orders, but cannot afford to serve Defendants without his motions to proceed IFP being granted. Additionally, Plaintiff states that he cannot control the St. Clair County Sheriff to make them comply to provide the Court with a copy of his trust fund statement.

The Court has given Plaintiff ample opportunities to provide the Court with information about his current trust fund balance and/or his efforts to obtain this information. Plaintiff paid the filing fee for this case on or around June 23, 2020. Soon after, he filed a motion for service at government expense (Doc. 12), which the Court denied because Plaintiff paid the filing fee, is not proceeding IFP, and did not provide

information about his current financial status. As a reminder, when a plaintiff has paid the filing fee and is not proceeding IFP, it is not mandatory for the Court to order service by the USMS at the expense of the Court. Instead, the decision is discretionary. *See Koger v. Bryan*, 523 F.3d 789, 803 (7th Cir. 2008). Plaintiff again filed a motion to proceed IFP on July 24, 2020 (Doc. 14), which the Court denied again (Doc. 17) because Plaintiff did not provide the Court with supporting material about his financial status. In that Order, the Court told Plaintiff explicitly that if he was unable to provide a copy of his trust fund account statement, “he must explain...in detail the efforts he made to obtain these documents” (Doc. 17). Plaintiff did not provide the Court with information about his financial status or detail his efforts in Doc. 18 (a renewed motion for leave to proceed IFP), so the Court denied his request, but sent a copy of that Order and the certification form to the Trust Fund Officer at the St. Clair County Jail to help facilitate the process (Doc. 20). Plaintiff was given a deadline of October 21, 2020 to provide the Court with information about his financial status or detail his efforts to obtain this information. Plaintiff did not provide the Court with either.

On October 30, 2020, the Court entered an Order denying Plaintiff’s motion for service at government expense (Doc. 28) after Plaintiff had multiple opportunities over the course of approximately four months to provide the Court with information about his financial status or detail his efforts to obtain this information. Accordingly, Plaintiff’s motion for reconsideration is DENIED. Plaintiff has until December 14, 2020 to serve Defendants, as outlined in the Court’s prior Order (Doc. 28).

IT IS SO ORDERED.

DATED: November 20, 2020

s/ Mark A. Beatty _____
MARK A. BEATTY
United States Magistrate Judge