

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
5:14-CV-260-BR

SHELIA Y. CRUTHIRDS,)
)
 Plaintiff,)
)
 v.)
)
 RAYMOND P. LACEY, et al.,)
)
 Defendants.)

ORDER

This case comes before the court on the motion (D.E. 13) by plaintiff Sheila Cruthirds, in the form of a letter to the Clerk, to have the Marshals Service serve summonses on various defendants. She included with the motion copies of eight summonses and a copy of her complaint. The stated ground for the motion is that “my anxiety is bothering me at this time.” (Mot.). She also states in the motion that she was having her husband mail the motion and attachments to the Clerk. (*Id.*). The court previously denied plaintiff’s motion to proceed *in forma pauperis* on the grounds that she had the requisite financial means to pay the filing fee, which she did subsequently pay. (*See* D.E. 7; D.E. dated 27 Apr. 2015).

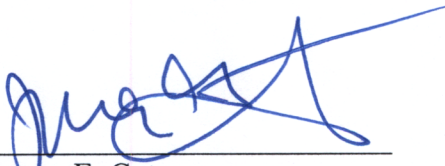
The motion will be denied. Assuming without deciding that the grounds cited by plaintiff could justify service of process by the Marshals Service, the fact that plaintiff was able, with the apparent assistance of her husband, to mail to the Clerk copies of the summonses and a copy of the complaint demonstrates that she has the ability to serve process on the defendants by means available under Fed. R. Civ. P. 4. Plaintiff filed her motion within six days after she filed her complaint. The time for service of process will therefore be extended to 29 April 2016, 114 days after entry of this order. *See* Fed. R. Civ. P. 4(m) (1983); Standing Order No. 15-SO-5, *In*

re: Amend. to Fed. R. Civ. P. 4(m) (E.D.N.C. 1 Dec. 2015) (providing that the 120-day period for service of process under Rule 4(m) (1983) shall apply to cases filed before 1 Dec. 2015, rather than the 90-day period adopted in the amendment to the rule effective on that date).

IT IS THEREFORE ORDERED that:

1. Plaintiff's motion (D.E. 13) is DENIED.
2. The time limit for service under Fed. R. Civ. P. 4(m) shall be extended to 29 April 2016.

This 6th day of January 2016.



James E. Gates
United States Magistrate Judge