

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LESTER FRYE,)	
)	Civil Action No. 07 - 313
Plaintiff,)	
)	Judge Thomas M. Hardiman /
v.)	Magistrate Judge Lisa Pupo Lenihan
)	
WESTMORELAND COUNTY,)	
)	Doc. No. 6
Defendant.)	

ORDER

Plaintiff has filed a "Motion to Obtain Service of Process Without Pre-payment of the United States Marshal Fee" (Doc. No. 6). The Plaintiff notes he has been unemployed since September of 2005 and, apparently, the payment of service of process is cost prohibitive at this point. The Court notes, however, that even if it were to grant this motion, the United States Marshals Service will seek payment for services rendered at some point. The total cost of service is unknown to the Court, but Plaintiff, following Federal Rule of Civil Procedure Rule 4(d), may be able to effectuate his own service via the U.S. Mail using the Request for Waiver of Service of Summons Form. Therefore,

IT IS ORDERED this 26th day of March, 2007, that Plaintiff's "Motion to Obtain Service of Process Without Pre-payment of the United States Marshal Fee" (Doc. No. 6) is **DENIED** without prejudice.

IT IS FURTHER ORDERED that should Plaintiff still desire the U.S. Marshal to effectuate service of his complaint, he re-file his motion and provide the Court with a U.S. Marshal 285 form, a Notice of Lawsuit and Request for Waiver of Service of Summons

Form and a true and correct copy of his complaint. Failure to include these forms will result in the case not being served and the Plaintiff eventually having to show cause why this case should not be dismissed for failure to prosecute.

IT IS FURTHER ORDERED that the Plaintiff is allowed ten (10) days from this date to appeal this order to a district judge pursuant to Rule 72.1.3(B) of the Local Rules for Magistrates. Failure to appeal within ten (10) days may constitute waiver of the right to appeal.



Lisa Pupo Lenihan
United States Magistrate Judge

cc: LESTER FRYE
237 Park St.
Greensburg, PA 15601

**In the Unites States District Court
For the Western District of Pennsylvania**

Lester D Frye Jr
Plaintiff

Vs

Civil Action:

Westmoreland County
Defendant

**Motion to obtain Service of process without pre- payment of the United States
Marshall Fee**

- 1) Plaintiff cannot afford to pay pre-payment of the United States Marshallfee.
- 2) Plaintiff does not have any money available for fee or an attorney.
- 3) Plaintiff is unemployed and has been since September of 2005.
- 4) Plaintiff is currently unemployable due to an injury through his doctor (Pressman).
- 5) Plaintiff will not be able to file his Lawsuit himself because he has no income.
- 6) Plaintiff has no checking or saving accounts. Also no real estate or property.
- 7) Plaintiff has no family who can afford to help him.

Wherefor, the plaintiff ask the court Authorization to ontain service of process without pre-payment of the United State Marshal fee.

Respectfully your's



Lester D Frye
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pro se litigant