
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

Diane R. Prigge,

Plaintiff,

v.

Woods Cross Police Department, et al.,

Defendants.

MEMORANDUM DECISION AND ORDER
DENYING MOTION FOR SERVICE OF
PROCESS

Case No. 2:16-cv-00140-JNP-BCW

District Judge Jill Parrish

Magistrate Judge Brooke Wells

Plaintiff filed a Complaint against the Woods Cross Police Department and other Defendants on March 28, 2016.¹ Ms. Prigge moves the court for service of process based upon 28 U.S.C. § 1915 (IFP statute).² As set forth below the court denies the motion.

In her Complaint, Plaintiff alleges she was handing out copies of her resume to local businesses around the area when she was “abducted form the Hampton Inn.”³ Certain Woods Cross police officers allegedly showed up at her door and arrested her without a warrant.⁴ Ms. Prigge then had to leave behind certain belongings when she left with the police. Ms. Prigge “was not booked, nor finger printed but given food inside a jail cell for two days.”⁵ According to Ms. Prigge, she never received her cell phone back after it went missing.⁶ Plaintiff also makes

¹ Docket no. 4.

² Docket no. 3. *See* 28 U.S.C. 1915 (d) (“The officers of the court shall issue and serve all process, and perform all duties in such cases.”).

³ Complaint p. 2.

⁴ *Id.* p. 2-4.

⁵ *Id.* p. 4.

⁶ *Id.* p. 5.

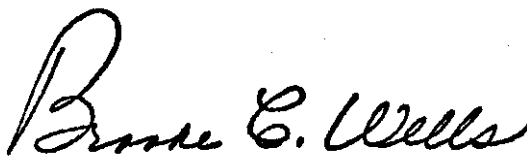
allegations against a court in New Jersey and Judge Andrea Carter who failed to correctly record Ms. Prigge's daughter's date of birth.⁷

Upon initially filing this case Plaintiff sought leave to proceed *in forma pauperis*.⁸ Approximately one month later, however, Plaintiff paid the filing fee and filed her Complaint.⁹ The court never granted Plaintiff IFP status and found her motion for leave to proceed *in forma pauperis* moot because she paid the required filing fee.¹⁰ In her motion Ms. Prigge states the "court has already approved my application to file the matter *in forma pauperis*"¹¹ and on that basis requests service of process. It appears Ms. Prigge used a standardized form to file her motion for official service of process under 28 U.S.C. 1915, but the court never approved her request to proceed *in forma pauperis*.¹² Therefore Ms. Prigge's motion for service of process must fail.

Because Ms. Prigge is not proceeding *in forma pauperis* and because it appears she could afford to pay the costs associated with serving Defendants, the court DENIES her motion for official service of process.

IT IS SO ORDERED.

DATED this 12 April 2016.



Brooke C. Wells
United States Magistrate Judge

⁷ *Id.* p. 6.

⁸ Docket no. 1.

⁹ Docket no. 4.

¹⁰ Docket no. 6.

¹¹ Mtn. p. 1.

¹² Docket no. 3.