UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RICKY ANTHONY YOUNG,

Plaintiff,

v.

SCOTT RUSSELL et al.,

Defendants.

CASE NO. C13-5079 BHS-JRC

ORDER DENYING PLAINTIFF'S MOTION TO ORDER THAT THE COMPLAINT BE SERVED BY UNITED STATES MARSHALS

The District Court has referred this 42 U.S.C. §1983 civil rights action to the undersigned Magistrate Judge. The Court's authority for the referral is found in 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local Magistrate Judges Rules MJR 1, MJR 3, and MJR 4.

Plaintiff asks that the Court order service of his complaint by the United States Marshals (ECF No. 2). Although the motion is not noted to be heard until February 22, 2013, there is no reason to wait to rule on this motion. Defendants have not been served; therefore, there will be no response. Further, plaintiff has 120 days from February 4, 2013 to effect service of process and there is no reason to wait until February 22, 2013 to inform him of the Court's denial of his motion.

Plaintiff is not proceeding in forma pauperis and has paid the full filing fee (ECF No. 1 receipt # TAC-10468). Pro se litigants not proceeding in forma pauperis are responsible for effecting service of their complaints within 120 days of filing pursuant to Fed. R. Civ. P. 4(m). Failure to serve defendants within 120 days may result in dismissal of the action unless plaintiff can demonstrate good cause for the untimely service. Inadvertence or ignorance of the rule alone does not constitute good cause, even in a pro se action. *See Hamilton v. Endell*, 981 F.2d 1062, 1065 (9th Cir. 1992);, *overruled in part on other grounds by Saucier v. Katz*, 533 U.S. 194 (2001) *; see also Townsel v. County of Contra Costa*, 820 F.2d 319, 320 (9th Cir. 1987).

It is plaintiff's responsibility to serve the action, the Court denies plaintiff's motion.

Dated this 8th day of February, 2013.

J. Richard Creatura
United States Magistrate Judge