

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

PATRICK C. LYNN,)	
)	
Plaintiff,)	
)	Case No. 17-3041-JWB-KGG
v.)	
)	
ANTHONY McCURRIE, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

**ORDER DENYING PLAINTIFF’S MOTION FOR VARIOUS RELIEF,
CLARIFYING THE STATUS OF THE CASE
IN RESPONSE TO LETTER RECEIVED, AND
EXTENDING THE TIME TO SERVE THE AMENDED COMPLAINT**

On May 9, 2018, Plaintiff filed a motion requesting certain pretrial “interventions” from the Court regarding the Lansing Correctional facility in which he is currently incarcerated. (Doc. 68.) Plaintiff also submitted a letter (attached hereto as Doc. 71-1), which was received by the undersigned Magistrate Judge on June 18, 2018, complaining about Court inaction in this matter. Specifically, Plaintiff requests (1) a teleconference concerning his pending motions; (2) that his Amended Complaint be served on Defendants; (3) that counsel be appointed; (4) that a Martinez report be ordered; and (5) that the Court impose a Temporary Restraining Order.

Plaintiff misunderstands the status of this case. He filed his Amended Complaint on February 2, 2018. (Doc. 64.) The District Judge denied his motion to proceed *in forma pauperis* under 18 U.S.C. §1915 on July 17, 2017. (Doc. 19.) Service of process by the Court is available if a party is granted leave to proceed *in forma pauperis*. 18 U.S.C. §1915(d). Because that motion was denied, the Court will not serve process and Plaintiff is responsible for obtaining service of process on Defendants at his own expense. This case has not moved forward because Defendants have not been served or otherwise entered in the case.

Fed.R.Civ.P. 4(m) requires that the Court dismiss a case or order that service be made within a specified time if the Complaint is not served within 90 days after the Complaint has been filed. This time has longed passed. However, the Magistrate Judge recognizes that the *pro se* Plaintiff may not have understood his responsibility to accomplish service. The Court thus extends the time to serve the Amended Complaint until September 29, 2018. If service returns are not filed showing service within that period, the Magistrate Judge will recommend to the District Judge that the case be dismissed.

The Magistrate Judge also notes that Plaintiff's motion for appointment of counsel has been acted on and denied on two previous occasions. (*See* Docs. 46 and 61.) The remaining relief requested by Plaintiff is inappropriate until (and depending on whether) Defendants are served and participating in the case.

Plaintiff's Motion (Doc. 68) is, therefore, **DENIED** as more fully set forth above. Plaintiff shall have until September 29, 2018, to serve the Amended Complaint on Defendants. The remainder of the relief requested in Plaintiff's letter is also **DENIED**.

Dated this 20th day of June, 2018, at Wichita, Kansas.

S/ KENNETH G. GALE
Kenneth G. Gale
United States Magistrate Judge