

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

Sonny Henry v. Julia Fowler, Lori Fowler, The UPS LLC, and Jason
Henry

Henry · No. 26-cv-444-SMY · Decided May 12, 2026

SUMMARY

The court denied Sonny Henry’s motion for service by the United States Marshals Service. Because Henry paid the filing fee and was not proceeding in forma pauperis, the court was not required to order marshal service, and Henry provided no reason why he could not effect service under Federal Rule of Civil Procedure 4; the denial was without prejudice.

CASE DETAILS

COURT	United States District Court for the Southern District of Illinois
WRITING FOR THE COURT	Staci M. Yandle
JURISDICTION	United States District Court for the Southern District of Illinois
DECIDED	May 12, 2026
DOCKET	26-cv-444-SMY
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a pro se civil action and moved for service by the United States Marshals Service.
STANDARD OF REVIEW	The court applied Federal Rule of Civil Procedure 4(c) and reviewed the request for discretionary court-funded service.
PRECEDENTIAL VALUE	unknown
PARTIES	Sonny Henry v. Julia Fowler, Lori Fowler, The UPS LLC, Jason Henry

TOPICS

- service of process
- civil procedure

PRACTICE AREAS

- Civil procedure
- Service of process

QUESTIONS PRESENTED

1. Whether the court should order service by the United States Marshals Service at court expense when the plaintiff paid the filing fee, is not proceeding in forma pauperis, and provided no reason why he could not effect service himself.

HOLDINGS

1. When a plaintiff is not proceeding in forma pauperis, the court is not required to order service by the United States Marshals Service, although it has discretion to do so. Because Henry paid the filing fee and offered no reason why he could not effect service under Rule 4, the court denied his motion without prejudice.

KEY QUOTATIONS

“Under Federal Rule of Civil Procedure 4(c), “plaintiff is responsible for having the summons and complaint served””

FACTUAL BACKGROUND

Henry filed a pro se action against Julia Fowler, Lori Fowler, The UPS LLC, and Jason Henry, alleging fraud, civil conspiracy, unjust enrichment, and business interference. He paid the filing fee and was not proceeding in forma pauperis. He requested that the United States Marshals Service serve the defendants but provided no reason why he could not afford or otherwise effect service under Rule 4.

PROCEDURAL HISTORY

Sonny Henry filed an action alleging fraud, civil conspiracy, unjust enrichment, and business interference. He then moved for service by the United States Marshals Service. The court denied the motion without prejudice because Henry had paid the filing fee, was not proceeding in forma pauperis, and offered no reason why he could not effect service himself.

DISPOSITION

other

REMAND INSTRUCTIONS

The motion for service by the United States Marshals Service was denied without prejudice. Henry may file a renewed motion providing additional information explaining why the court should pay for service by the United States Marshals Service.

CASES CITED

- Koger v. Bryan, 523 F.3d 789, 803 (7th Cir. 2008)

OPINION

Henry

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

SONNY HENRY,)

) Plaintiff,)) vs.) Case No. 26-cv-444-SMY)

JULIA FOWLER, LORI FOWLER,)

THE UPS LLC, and JASON HENRY,)

) Defendants.)

MEMORANDUM AND ORDER

YANDLE, Chief District Judge: Plaintiff Sonny Henry filed this pro se action against Defendants Julia Fowler, Lori Fowler, the UPS LLC, and Jason Henry, alleging fraud, civil conspiracy, unjust enrichment, and business interference (Doc. 1). Now pending before the Court is Henry's Motion for Service by United States Marshal Service (Doc. 2). Under Federal Rule of Civil Procedure 4(c), "plaintiff is responsible for having the summons and complaint served" Fed. R. Civ. P. 4(c)(1). Rule 4(c) further provides that the plaintiff may request service by the United States Marshal Service ("USMS") and that such service must be ordered if plaintiff is proceeding in forma pauperis pursuant to 28 U.S.C. § 1915. Fed.R.Civ.P. 4(c)(3). Here, Henry has paid the filing fee and is not proceeding in forma pauperis. Therefore, the Court is not required but has the discretion to order service by the USMS at the expense of the Court. See *Koger v. Bryan*, 523 F.3d 789, 803 (7th Cir. 2008). Henry offers no reason why he cannot afford or otherwise effect service upon Defendants through the procedures provided in Rule

4. Therefore, the motion is DENIED. The denial is without prejudice; Henry may file a renewed motion providing additional information as to why he believes the Court should pay for service by the USMS. IT IS SO ORDERED. DATED: May 12, 2026 Aeckl Cee

STACI M. YANDLE

Chief United States District Judge