

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)

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