

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

<b>Case No.</b>	CV 14-5905-PSG-MAN	<b>Date</b>	January 7, 2014
<b>Title</b>	<i>Gary D. Morgan v. Carolyn W. Colvin</i>		

<b>Present: The Honorable</b>	MARGARET A. NAGLE, UNITED STATES MAGISTRATE JUDGE
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Earlene Carson

N/A

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

N/A

N/A

**Proceedings:** (In Chambers) Order

Plaintiff filed a Complaint for Judicial Review of Decision Of Commissioner of Social Security on August 12, 2014. In paragraph I of its August 12, 2014 Case Management Order (“CMO”), the Court ordered plaintiff to promptly serve the summons and complaint on the Commissioner and to file a Proof of Service, showing compliance with the CMO, within 28 days after filing the Complaint. The CMO instructed plaintiff that, to effect service, he must send a copy of the summons and complaint by registered or certified mail to each of the following: “(a) the United States Attorney for the Central District of California, or his or her authorized agent, addressed to the civil process clerk at the Office of the United States Attorney, Civil Division, Room 7516, Federal Building, 300 North Los Angeles Street, Los Angeles California 90012; (b) **Region IX Chief Counsel, Office of the General Counsel, Social Security Administration, 160 Spear Street, Suite 800, San Francisco, CA 94105-154; and (c) the Attorney General of the United States in Washington, D.C.**” (Docket No. 6 at 2 (emphasis added).) The CMO warned plaintiff that failure to comply could result in dismissal of the case.

On December 9, 2014, the Court ordered plaintiff to show good cause, on or before December 29, 2014, why no Proof Of Service had been filed and why the case should not be dismissed for lack of diligent prosecution and failure to comply with the Court’s prior Order. Plaintiff was instructed that, instead of responding to the Order To Show Cause, he could file the required Proof of Service.

On December 24, 2014, plaintiff, through counsel, filed a “Proof of Service of Document,” in which he declared under penalty of perjury that, on August 5, 2014, he mailed a copy of the summons and complaint in the mail, first class, to Magistrate Judge Margaret Nagle, 312 North Spring Street, Los Angeles, CA 90012-4701 and to the Office of the U.S. Attorney Civil Division, 300 North Los Angeles Street, Suite 7515, Los Angeles, CA 90012. (Docket No. 8.) Plaintiff did not attach any registered or certified mail receipts, and he did not state that he had served the Office of the Attorney General of the United States or the Region IX Chief Counsel for the Social Security Administration.

On December 29, 2014, plaintiff’s “Proof of Service of Document” was stricken from the docket by the Clerk’s Office. The Clerk’s Office issued a Notice to Filer of Deficiencies, stating that the title page

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was missing and the wrong court form was used. Over a week has passed since plaintiff's defective Proof of Service was stricken from the docket, and plaintiff has neither responded to the Order To Show Cause or filed a valid Proof of Service. Accordingly, on or before **January 22, 2015**, plaintiff is **ORDERED TO SHOW GOOD CAUSE**, why no valid Proof Of Service has been filed and why this case should not be dismissed for lack of diligent prosecution and failure to comply with the Court's prior Orders. In lieu of responding to this Order To Show Cause, plaintiff may file a proper Proof of Service demonstrating compliance with the CMO.

Plaintiff is reminded that a proper Proof of Service in this case would consist of: (1) the certified or registered mail receipts; and (2) a declaration under penalty of perjury that the summons and complaint were served by **registered or certified mail** on the **United States Attorney for the Central District of California, the Region IX Chief Counsel for Social Security Administration, and the Attorney General of the United States in Washington, D.C.**

**Plaintiff is expressly cautioned that his failure to timely respond to this Order may result in a recommendation to dismiss this action for failure to prosecute, pursuant to Fed. R. Civ. P. 41(b) and Local Rule 41-1.**

**IT IS SO ORDERED.**

Initials of Preparer \_\_\_\_\_ : \_\_\_\_\_  
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