

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BENJAMIN HOLDEN and
RASHEEDA HOLDEN,

1:11-cv-00716-SMS

Plaintiffs,

ORDER DIRECTING CLERK TO ISSUE NEW CASE DOCUMENTS

V.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

ORDER DIRECTING CLERK TO SEND PLAINTIFFS SERVICE DOCUMENTS

Defendant.

**ORDER DIRECTING PLAINTIFFS
TO TIMELY COMPLETE AND
RETURN SERVICE DOCUMENTS**

Plaintiffs, Benjamin Holden and his daughter, Rasheeda Holden, proceeding *pro se* and *in forma pauperis*, are appealing the Commissioner's determination that Benjamin Holden is ineligible for social security disability benefits. On May 10, 2011, this Court screened Plaintiffs' complaint. Plaintiffs were provided with the opportunity to either file an amended complaint, more clearly setting forth their intended claims, or notify the Court, in writing, of their wish to proceed only on the claims identified by the Court in their original complaint, on or before June 10, 2011. Plaintiffs were also advised that if they failed to respond by June 10, 2011, this action would proceed on their original complaint. To date, plaintiffs have not filed an amended complaint or otherwise notified the court, in writing.

Accordingly, it is HEREBY ORDERED that:

1. Service shall be initiated on the Defendant.
2. The Clerk of the Court shall send Plaintiffs'

- a. One (1) copy of this order
- b. One (1) USM-285 form
- c. One (1) summons
- d. One (1) Notice of Submission of Documents form
- e. One (1) instruction sheet; and,
- f. One (1) endorsed copy of the **1-page complaint only** (without the 70+ pages of medical records pursuant to court order striking same) filed on April 28, 2011.

3. Within **thirty (30) days** from the date of service of this order, Plaintiffs shall complete the attached USM-285 form return the completed Notice to the Court with the following documents:

- a. One (1) completed summons for the Defendant;
- b. One (1) completed USM-285 form for the Defendant;
- c. One (1) copy of the Order Granting Motion to Proceed In Forma Pauperis (Doc. 5); and,
- c. One (1) endorsed copy of the **1-page complaint only** (without the 70+ pages of medical records pursuant to court order striking same) filed on April 28, 2011.

4. Plaintiffs should not attempt service on the Defendant and should not request waiver of service. Upon receipt of the above-described documents, the Court will direct the United States Marshal to serve the Defendant pursuant to Federal Rule of Civil Procedure 4 without payment of costs.

5. **A FAILURE TO TIMELY COMPLY WITH THIS ORDER WILL RESULT IN DISMISSAL OF THIS ACTION FOR FAILURE TO PROSECUTE.**

IT IS SO ORDERED

Dated: July 1, 2011

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE