

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANGELA D. BISHOP,

Plaintiff,

No. CIV S-08-1582 DAD

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

ORDER

Defendant.

_____ /

By order filed in this case on July 25, 2008 (Doc. No. 7), plaintiff was required to file a statement advising the court of the date on which documents were submitted to the United States Marshal for service of process. On August 18, 2008, plaintiff's counsel filed a statement explaining that the documents were sent in a timely manner but were returned due to an inaccurate address. Counsel stated that the documents were re-sent on August 18, 2008 after he learned of the error. Although more than four months have now elapsed, there has been no appearance by defendant. Nor has a return of service been filed by the United States Marshal. Because of these circumstances the court has inquired and learned that efforts to effectuate service will be undertaken by the United States Marshal in the near future. However, the court has also learned that it appears that plaintiff's documents for service or process were not received by the United States Marshal until mid-October of 2008. In light of these circumstances,

1 plaintiff's counsel is directed to file a declaration with the court stating the date when the
2 documents for service were re-sent to the United States Marshal and to what address they were
3 sent so that the court can determine whether the procedure for service of process by the United
4 States Marshal in this district is functioning as intended.

5 In another order filed on July 25, 2008 (Doc. No. 8), the parties were directed to
6 complete and return a form either consenting to proceed before a United States Magistrate Judge
7 or requesting the assignment of a United States District Judge. The order was accompanied by a
8 copy of the required form. Pursuant to Appendix A(j) of the Local Rules, and as directed in the
9 court's order, each party were required to execute a copy of the form and return it to the court
10 within 90 days after the order was filed. The 90-day period has expired, and plaintiff has not
11 returned an executed form to the court.

12 Accordingly, IT IS HEREBY ORDERED that:

13 1. Within twenty days after this order is filed, plaintiff's counsel shall file a
14 declaration stating the date when the documents for service were re-sent to the United States
15 Marshal and to what address they were sent; and

16 2. Within twenty days after this order is filed, plaintiff shall execute a copy of the
17 form "Consent to Assignment or Request for Reassignment" and return it to the court.

18 DATED: January 6, 2009.

19
20 
21 _____
DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

22 DAD:kw
23 Ddad1/orders.socsec/bishop1582.ord.svc.consent
24
25
26