

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**

CARL M. SHORT,

No. 2:14-CV-2141-CMK

Plaintiff,

vs.

ORDER

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

\_\_\_\_\_ /

Plaintiff, who is proceeding with retained counsel, brings this action under 42 U.S.C. § 405(g) for judicial review of a final decision of the Commissioner of Social Security.

On February 3, 2015, the court directed plaintiff to show cause in writing why this action should not be dismissed to lack of prosecution and failure to comply with the court's prior order issued on October 8, 2014, requiring plaintiff to submit documents necessary for service of process to the United States Marshal. A review of the docket reflects that the order to show cause was issued in error because, at the time the order was issued, summons had not yet been issued to plaintiff. The order to show cause will, therefore, be vacated and plaintiff will be granted additional time to submit documents to the United States Marshal and file notice with the

1 court. Plaintiff is warned that failure to comply with this order may result in the dismissal of this  
2 action. See Local Rule 110.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. The order to show cause issued on February 3, 2015, is vacated as having  
5 been issued in error;

6 2. Within 15 days from the date of this order, plaintiff shall submit to the  
7 United States Marshal a completed summons and copies of the complaint and file a statement  
8 with the court that said documents have been submitted to the United States Marshal;

9 3. The United States Marshal is directed to serve all process without  
10 prepayment of costs not later than 60 days from the date of this order, such service of process to  
11 be completed by delivering a copy of the summons and complaint to the United States Attorney  
12 for the Eastern District of California, and by sending a copy of the summons and complaint by  
13 registered or certified mail to the Attorney General of the United States in Washington, D.C.,  
14 pursuant to Federal Rule of Civil Procedure 4(i)(1)(A) & (B);

15 4. The United States Marshal shall also send a copy of the summons and  
16 complaint by registered or certified mail to the Commissioner of Social Security, c/o Office of  
17 the General Counsel, Region IX, 160 Spear Street, Suite 800, San Francisco, CA 94105-1545,  
18 pursuant to Federal Rule of Civil Procedure 4(i)(2); and

19 5. The Clerk of the Court is directed to serve a copy of this order on the  
20 United States Marshal.

21  
22 DATED: March 5, 2015

23   
24 **CRAIG M. KELLISON**  
25 UNITED STATES MAGISTRATE JUDGE  
26