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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

VELIA C. BECERRA,  
Plaintiff,  
v.  
COMMISSIONER OF SOCIAL  
SECURITY,  
Defendant.

No. 2:15-cv-0643-KJN

ORDER

Plaintiff, proceeding without counsel, initially commenced this action seeking review of a denial of social security benefits on March 23, 2015, and paid the filing fee.<sup>1</sup> The court’s record reflects that plaintiff was served with the summons and other process documents at the counter of the Clerk’s office. However, to date, there has been no further action in the case, and the Commissioner of Social Security has not yet appeared, which strongly suggests that the Commissioner was not properly served with process.

Under Federal Rule of Civil Procedure 4(m), “[i]f a defendant is not served within 120 days after the complaint is filed, the court—on motion or on its own notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a

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<sup>1</sup> This case was referred to the undersigned pursuant to E.D. Cal. L.R. 302(c)(15).

1 specified time.” Fed. R. Civ. P. 4(m). In light of plaintiff’s *pro se* status and the court’s desire to  
2 resolve the action on the merits, the court finds it appropriate to grant plaintiff a reasonable  
3 extension to properly serve the Commissioner with process, as outlined below.

4 Additionally, the court’s records show that plaintiff has not yet indicated, in accordance  
5 with the court’s March 23, 2015 order, whether or not she consents to the jurisdiction of a United  
6 States Magistrate Judge for all purposes pursuant to 28 U.S.C. § 636(c). Plaintiff is under no  
7 obligation to so consent, but the consent/decline designation merely assists the court in  
8 determining how the action should be processed.

9 Accordingly, IT IS HEREBY ORDERED that:

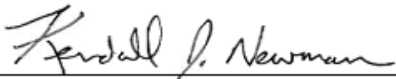
- 10 1. The Clerk of Court shall serve an additional set of copies of the summons and social  
11 security case documents (ECF Nos. 2, 3, 3-1, 3-2) on plaintiff along with this order.
- 12 2. Plaintiff shall complete service of process on the Commissioner of Social Security no  
13 later than January 1, 2016. Service of process shall be accomplished by serving the  
14 complaint, summons, and social security case documents received from the Clerk of  
15 Court (collectively, the “process documents”) on the following three entities:
  - 16 (a) The United States attorney for the district where the action is brought, i.e., the  
17 United States Attorney for the Eastern District of California (with an address of  
18 501 I Street, Suite 10-100, Sacramento, CA 95814), by delivering copies of the  
19 process documents or sending copies of the process documents by registered or  
20 certified mail [Fed. R. Civ. P. 4(i)(1)(A)]; and
  - 21 (b) The Attorney General of the United States at Washington, D.C. (with an address of  
22 950 Pennsylvania Avenue, NW, Washington, DC 20530-0001), by sending copies  
23 of the process documents by registered or certified mail [Fed. R. Civ. P.  
24 4(i)(1)(B)]; and
  - 25 (c) The Commissioner of Social Security, Office of General Counsel, Region IX  
26 (with an address of 160 Spear Street, Suite 800, San Francisco, CA 94105-1545)  
27 by sending copies of the process documents by registered or certified mail [Fed. R.  
28 Civ. P. 4(i)(2)].

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- 3. No later than January 1, 2016, plaintiff shall also file with the court a brief statement indicating whether or not she consents to the jurisdiction of a United States Magistrate Judge for all purposes pursuant to 28 U.S.C. § 636(c).
- 4. Failure to timely comply with this order may result in dismissal of the action pursuant to Federal Rules of Civil Procedure 4(m) and 41(b).

IT IS SO ORDERED.

Dated: November 6, 2015

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE