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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MONICA HOEFT,
Plaintiff,
v.
COMMISSIONER OF SOCIAL
SECURITY, et al.,
Defendants.

No. 2:16-cv-2615 CKD PS

ORDER

By order filed February 9, 2017, plaintiff was directed to provide to the United States Marshal, within twenty-eight days, all information needed by the Marshal to effect service of process, including all information required for proper service of summons under Federal Rule of Civil Procedure 4(i) and to file a statement with the court that said documents have been submitted to the United States Marshal, along with a copy of the information provided to the Marshal.

Plaintiff has now submitted a copy of the USM-285 form she previously submitted to the United States Marshal. That form does not provide all of the information required to properly serve defendant.

In this action, plaintiff alleges claims against defendant Ballon in his individual capacity. Federal Rule of Civil Procedure 4(i) provides in relevant part: “To serve a United States officer

1 or employee sued in an individual capacity for an act or omission occurring in connection with
2 duties performed on the United States' behalf (whether or not the officer or employee is also sued
3 in an official capacity), a party must serve the United States and also serve the officer or
4 employee under Rule 4(e), (f), or (g)." Fed. R. Civ. P. 4(i)(3). To serve the United States, a party
5 must:

6 (A)(i) deliver a copy of the summons and of the complaint to the
7 United States attorney for the district where the action is brought--
8 or to an assistant United States attorney or clerical employee whom
9 the United States attorney designates in a writing filed with the
10 court clerk--or

11 (ii) send a copy of each by registered or certified mail to the civil-
12 process clerk at the United States attorney's office;

13 (B) send a copy of each by registered or certified mail to the
14 Attorney General of the United States at Washington, D.C.; and

15 (C) if the action challenges an order of a nonparty agency or officer
16 of the United States, send a copy of each by registered or certified
17 mail to the agency or officer.

18 Fed. R. Civ. P. 4(i)(1).

19 Plaintiff will be granted one final opportunity to provide all the information necessary to
20 effect proper service of summons in this action. Plaintiff is cautioned that failure to provide all
21 necessary information to the United States Marshal for proper service of summons will result in
22 dismissal of this action for lack of prosecution.

23 Accordingly, IT IS HEREBY ORDERED that no later than May 26, 2017, plaintiff shall
24 provide a properly filled out USM-285 form, including all information needed by the United
25 States Marshal to effect service of process under Federal Rule of Civil Procedure 4(i). Plaintiff
26 shall also file with the court a copy of the USM-285 form submitted to the United States Marshal.
27 Failure to comply with this order shall result in dismissal of this action without prejudice. See
28 Local Rule 110; Fed. R. Civ. P. 41(b).

Dated: April 28, 2017



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE