

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  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARK CHARLES MISKE,  
  
                                Plaintiff,  
  
                                v.  
  
CAROLYN W. COLVIN, Acting  
Commissioner of the Social Security  
Administration,<sup>1</sup>  
  
                                Defendant.

No. 2:17-cv-0019 AC (PS)

ORDER

Plaintiff, who is proceeding without counsel, has requested authority under 28 U.S.C. § 1915 to proceed in forma pauperis. Plaintiff has submitted the affidavit required by § 1915(a) showing that plaintiff is unable to prepay fees and costs or give security for them. See ECF No. 2. Accordingly, the request to proceed in forma pauperis will be granted. 28 U.S.C. § 1915(a).

In accordance with the above, IT IS HEREBY ORDERED that:

1. Plaintiff’s request to proceed in forma pauperis (ECF No. 2), is GRANTED.

<sup>1</sup> In any civil action seeking review of the denial of disability benefits, the only proper defendant is the person holding the office of the Commissioner. See 42 U.S.C. § 405(g); 20 C.F.R. § 422.210(d). Accordingly, Carolyn W. Colvin has been substituted as the defendant in place of “Office of the Regional Chief Counsel Region IX Eastern District.”

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  
27  
28

2. The Clerk of the Court is directed to:


- a. Serve the undersigned’s scheduling order in social security cases;
- b. Serve a copy of this order on the United States Marshal; and
- c. Send plaintiff one USM-285, one summons, a copy of the complaint, and an appropriate form for consent to trial by a magistrate judge.

3. Plaintiff is directed to supply the U.S. Marshal, within 15 days from the date of this order, all information needed by the Marshal to effect service of process, **and shall promptly file a statement with the court that said documents have been submitted to the United States Marshal** (see attachment). The court anticipates that, to effect service, the U.S. Marshal will require, at least:

- a. One completed summons;
- b. One completed USM-285 form;
- c. One copy of the endorsed filed complaint, with an extra copy for the U.S. Marshal;
- d. One copy of the instant order; and
- e. An appropriate form for consent to trial by a magistrate judge.

4. The United States Marshal is directed to serve all process without prepayment of costs not later than sixty days from the date of this order. Service of process shall be completed by delivering a copy of the summons and complaint to the United States Attorney for the Eastern District of California, and by sending a copy of the summons and complaint by registered or certified mail to the Attorney General of the United States at Washington, D.C. See Fed. R. Civ. P. 4(i)(1)(A) & (B). The Marshal shall also send a copy of the summons and complaint by registered or certified mail to the Commissioner of Social Security, c/o Office of General Counsel, Region IX, 160 Spear Street, Suite 800, San Francisco, CA 94105-1545. See Fed. R. Civ. P. 4(i)(2).

DATED: January 9, 2017

  
\_\_\_\_\_  
ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE

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  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARK CHARLES MISKE,  
Plaintiff,  
v.  
CAROLYN W. COLVIN, Acting  
Commissioner of the Social Security  
Administration,  
Defendant.

No. 2:17-cv-0019 AC (PS)

NOTICE OF SUBMISSION

Plaintiff has submitted the following documents to the U.S. Marshal, in compliance with the court's order filed \_\_\_\_\_:

- \_\_\_ completed summons form
- \_\_\_ completed USM-285 form
- \_\_\_ copy of the complaint
- \_\_\_ completed form to consent or decline to consent to magistrate judge jurisdiction

\_\_\_\_\_  
Date

\_\_\_\_\_  
Plaintiff's Signature