

1                                    IN THE UNITED STATES DISTRICT COURT  
2                                    FOR THE NORTHERN DISTRICT OF CALIFORNIA

3  
4 MARY CHARLES ROBINSON,

No. C 12-5668 CW

5                                    Plaintiff,

ORDER ADDRESSING  
SERVICE OF PROCESS

6                                    v.

7 MICHAEL ASTRUE, Commissioner of  
8 Social Security,

9                                    Defendant.

10 \_\_\_\_\_/

11                                    Plaintiff Mary Charles Robinson initiated the instant case on  
12 November 5, 2012. Accordingly, pursuant to Federal Rule of Civil  
13 Procedure 4(m), Plaintiff was required to serve Defendant Michael  
14 Astrue, Commissioner of Social Security, within 120 days of  
15 November 5, 2012, or by March 5, 2013.

16                                    On March 5, 2013, Plaintiff filed a motion for entry of  
17 default. Docket No. 5. She also filed a Certificate of Service  
18 in which she stated that she had served the summons and complaint  
19 on Defendant by sending it on November 15, 2013 via Federal  
20 Express to the Social Security Administration's Office of the  
21 General Counsel, Chief Counsel for Region IX in San Francisco.  
22 Docket No. 6. The Clerk thereafter declined to enter default  
23 against Defendant. Docket No. 9.

24                                    The Court notes that Plaintiff has not properly served  
25 Defendant in this action. Plaintiff is directed to review Federal  
26 Rule of Civil Procedure 4(i)(1) and (2), which govern service upon  
27 the United States and an agency, officer or employee of the United  
28 States sued in its official capacity. Plaintiff is also reminded

1 that service may not be carried out by anyone who is a party to  
2 the case, pursuant to Federal Rule of Civil Procedure 4(c)(2).

3 The Court extends the deadline for Plaintiff to serve  
4 Defendant properly until two weeks from the date of this Order.  
5 By that date, Plaintiff shall also file proof that she has  
6 effectuated service timely and properly or a motion for an  
7 extension of time within which to complete service, provided that  
8 she is able to provide good cause for her failure to serve  
9 Defendant within the time already allowed. Plaintiff is warned  
10 that failure to comply with the terms of this Order will result in  
11 dismissal of her case for failure to prosecute.

12 For rules and instructions on how to serve these documents  
13 properly, Plaintiff should also consult the Court's guide for pro  
14 se litigants, Representing Yourself in Federal Court: A Handbook  
15 for Pro Se Litigants, which is available free of charge from the  
16 Clerk's office and may be downloaded from the Court's website at  
17 <http://www.cand.uscourts.gov/prosehandbook>. Plaintiff may wish to  
18 consult the Legal Help Center, a free service offered by the Bar  
19 Association of San Francisco. Information regarding the Legal  
20 Help Center can be obtained from the Court's website at  
21 <http://www.cand.uscourts.gov/helpcentersf>.

22 IT IS SO ORDERED.

23  
24 Dated: 4/18/2013

  
25 CLAUDIA WILKEN  
26 United States District Judge  
27  
28