

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  
SOUTHERN DISTRICT OF CALIFORNIA

Christopher Michael Larsen,  
  
Plaintiff,  
  
v.  
  
Carolyn W. Colvin, Commissioner of  
Social Security,  
  
Defendant.

Case No.: 16-cv-2847-JM-AGS

**REPORT AND RECOMMENDATION  
ON PLAINTIFF’S MOTIONS FOR  
DEFAULT JUDGMENT [Doc. 6] AND  
TIME EXTENSION [Doc. 10]**

On November 21, 2016, pro se plaintiff Christopher Larsen filed a complaint seeking review of the Social Security Administration’s denial of his disability insurance benefits. [Doc. 1.] He attempted service by mailing the complaint and summons to the Social Security Administration in San Francisco. [Doc. 6, at 2, 4-7.] Because the Commissioner of Social Security never answered his complaint, Larsen now moves for a default judgment and other relief.

**A. Motion for Default Judgment [Doc. 6]**

Larsen moves for a default judgment under Federal Rule of Civil Procedure 55. Yet he has not completed service. To effect proper service, Larsen was required to serve three entities: the Commissioner of Social Security, this district’s United States Attorney, and the Attorney General of the United States. Fed. R. Civ. P. 4(i)(1)-(2). He has attempted to

1 serve only the Commissioner.<sup>1</sup> Thus, the Court **RECOMMENDS** that Larsen’s motion for  
2 a default judgment be **DENIED**.

3 **B. Motion to Extend Time to Perfect Service [Doc. 10]**

4 Recognizing his error, Larsen also moves to extend his time to perfect service.  
5 Because the defendant was not properly served within 90 days, the Court “must dismiss  
6 the action without prejudice against that defendant or order that service be made within a  
7 specified time.” Fed. R. Civ. P. 4(m). Since Larsen is proceeding pro se and in forma  
8 pauperis, the Court **RECOMMENDS** that Larsen’s extension motion be **GRANTED** and  
9 that the time for service be extended for an additional 30 days from the District Judge’s  
10 ruling on this matter.

11 Any objections to the Court’s recommendations must be filed within 14 days of  
12 being served with a copy of this Report and Recommendation. *See* 28 U.S.C. § 636(b);  
13 Fed. R. Civ. P. 72(b)(2). Failing to file objections within the specified time may waive the  
14 right to raise those objections on appeal. *See Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir.  
15 1991).

16 Dated: May 3, 2017

17   
18 \_\_\_\_\_  
19 Hon. Andrew G. Schopler  
20 United States Magistrate Judge  
21  
22  
23  
24  
25  
26

---

27 <sup>1</sup> Larsen has a certified mail receipt for the summons and complaint he sent the  
28 Commissioner [Doc. 6, at 4-7], but even that summons has not been returned executed.