

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
GAINESVILLE DIVISION**

**CHERYL DARDEN,**

**Plaintiff,**

**vs.**

**1:09CV120-MMP/AK**

**MICHAEL J. ASTRUE,  
Commissioner of the Social  
Security Administration,**

**Defendant.**

\_\_\_\_\_ /

**ORDER**

This cause is before the court on Plaintiff's complaint for judicial review of the final decision of the Commissioner (doc. 1), and motion to proceed *in forma pauperis* with financial affidavit, as amended. (Docs. 2 and 4). Leave to so proceed should be granted.

As defendant, Plaintiff has named the Commissioner of the Social Security Administration. Service upon the Defendant should be made within 120 days pursuant to Fed.R.Civ.P. 4(m), and service shall be made upon the defendant as well as the United States Attorney for this district and the Attorney General of the United States as required under Fed. R. Civ. P. 4(i).

Accordingly, it is **ORDERED**:

1. Leave to proceed *in forma pauperis* is hereby **GRANTED** to the extent that this case may be filed without prepayment of fees.

2. The clerk of court is directed to send the prepared summons, four certified copies of this order, the service copies of the complaint, and the prepared USM 285 forms to the United States Marshal. The United States Marshal shall serve a copy of the complaint and summons upon the named defendant and the United States Attorney and the Attorney General of the United States.

3. The Marshal shall transmit USM 285 forms for the Commissioner of the Social Security Administration, and for both the United States Attorney and the Attorney General of the United States to the Plaintiff. Plaintiff shall complete single USM 285 forms for service upon the named Defendant, Commissioner of Social Security, 6401 Security Blvd., Altmeyer Bldg., Room 617, Baltimore, MD 21235; the United States Attorney for the Northern District of Florida, (to be addressed to: Civil Process Clerk, United States Attorney's Office, Northern District of Florida, 111 N. Adams Street, 4<sup>th</sup> Floor, Tallahassee, Florida 32301) and the Attorney General of the United States (Department of Justice, 10<sup>th</sup> Street and Constitution Ave. NW, Washington, D.C. 20530).

The instructions shall require Plaintiff to complete and return the forms to the United States Marshal's office in Tallahassee within twenty (20) days from the date of receipt thereof. Failure by Plaintiff to return the completed forms within this time period may result in the dismissal of this case.

4. The Marshal shall serve the Commissioner of the Social Security Administration, and the office of the United States Attorney for this District by sending copies of the summons and complaint **via certified mail** to the Attorney General of the United States, to the United States Attorney for the Northern District of Florida, and to the Commissioner of the Social Security Administration.

5. If after 25 days from the mailing of the summons and complaint, the defendant has not returned a written acknowledgment of service, the Marshal shall so notify the Plaintiff. Plaintiff shall then send the Marshal an identical copy of the complaint for the Defendant who has not acknowledged service. Upon receipt of these service copies, the Marshal shall **personally** serve that Defendant, and subsequently file with the clerk the return of service.

6. After a response to the complaint has been filed by the defendants, the Plaintiff shall be required to mail to the attorney for each Defendant a copy of every pleading or other paper, including letters, submitted for consideration by the court. The Plaintiff shall include with the original paper to be filed with the clerk of court a "certificate of service" which states the date a correct copy of the paper was mailed to each Defendant or to the attorney representing each Defendant. Any paper submitted for filing after a response to the complaint has been filed by the Defendants that does not contain a "certificate of service" shall be returned by the clerk and disregarded by the court.

**DONE AND ORDERED** this 22<sup>nd</sup> day of May, 2009.

**s/ A. KORNBLUM**  
**ALLAN KORNBLUM**  
**UNITED STATES MAGISTRATE JUDGE**