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## UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

CARLA BOUVIER,  Plaintiff,	) )	
v.  BOSTON MASSACHUSETTS DISABILITY DETERMINATION & ADJUDICATION REVIEW, et al.,  Defendants.	) ) ) ) ) )	CIVIL ACTION NO. 14-13817-JCB
	<u>ORDER</u>	

March 5, 2015

BOAL, U.S.M.J.

Upon review of the amended complaint, the Court hereby orders that:

1. The Clerk shall add Carolyn W. Colvin, Acting Commissioner of Social Security, as a defendant.

In the amended complaint, the plaintiff names the Commonwealth of Massachusetts and the Social Security Administration as defendants. However, the Commissioner of Social Security is the only proper defendant in an action challenging the processing or denial of a claim for Social Security benefits. *See* 42 U.S.C. § 405(g); 29 C.F.R. § 411.210(d).

Further, the Commonwealth of Massachusetts is entitled to Eleventh Amendment immunity. The Eleventh Amendment of the United States Constitution generally is recognized as a bar to suits in federal courts against a State, its departments and its agencies, unless the State has consented to suit or Congress has overridden the State's immunity. *See Regents of the Univ.* of Cal. v. Doe, 519 U.S. 425, 429 (1997); Kentucky v. Graham, 473 U.S. 159, 167 n. 14 (1985); Alabama v. Pugh, 438 U.S. 781, 782 (1978) (per curiam); Hudson Sav. Bank v. Austin, 479 F.3d 102, 105-06 (1st Cir. 2007). Here, the Court cannot discern any claim for relief for which the Commonwealth of Massachusetts has waived its immunity or Congress has overridden it.

2. The Clerk shall provide the plaintiff with the form for Consent/Refusal of

Magistrate Judge Jurisdiction and the instructions for that form ("consent package").

3. The Clerk shall issue summons as to Acting Commissioner Colvin and the United

States Marshal shall serve a copy of the summons, complaint, consent package, and this Order

upon the defendant (with copies to the Attorney General of the United States and the United

States Attorney for the District of Massachusetts) as directed by plaintiff with all costs of service

to be advanced by the United States.

4. Should the plaintiff wish to pursue claims against the Commonwealth of

Massachusetts or the Social Security Administration, she must, within thirty-five days, show

cause why these defendants should not be dismissed. Failure to do so may result in dismissal of

the Commonwealth of Massachusetts and the Social Security Administration as defendants.

SO ORDERED.

/s/ Jennifer C. Boal

Jennifer C. Boal

United States Magistrate Judge

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