

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  
DISTRICT OF NEVADA**

KEN R. CHLEBOWSKI, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 MICHAEL J. ASTRUE, COMMISSIONER OF )  
 SOCIAL SECURITY ADMINISTRATION, )  
 )  
 Defendant. )

Case No. 2:12-cv-00517-MMD-PAL

**ORDER**

(Mtn to Serve - Dkt. #15)

This matter is before the court on Plaintiff Ken R. Chlebowski’s Motion to Serve Party with Summons and Complaint (Dkt. #15) filed January 8, 2013. The court has considered the Motion.

Plaintiff is proceeding in this action in forma pauperis. On July 31, 2012, the court entered an Order (Dkt. #4) screening Plaintiff’s Complaint (Dkt. #5) pursuant to 28 U.S.C. § 1915 and directing the Clerk of Court to serve the Complaint pursuant to Rule 4(i) of the Federal Rules of Civil Procedure. Specifically, the Screening Order directed the Clerk of the Court to issue summons for and serve process upon the Office of General Counsel for the Social Security Administration (“SSA”) in Baltimore, Maryland; and the Attorney General in Washington, D.C.<sup>1</sup> See Order (Dkt. #4). The Clerk issued Summons (Dkt. #6) and mailed them with the Complaint to the Office of General Counsel and the Attorney General by certified mail as directed in the Screening Order. See Certified Mail Receipts (Dkt. #7). The docket reflects that service is complete on the Office of General Counsel. See Certified

///

---

<sup>1</sup>Additionally, in an Order (Dkt. #11) entered October 24, 2012, the court directed service on the Office of Regional Chief Counsel for Region IX of the Social Security Administration in San Francisco, California, pursuant to 70 Fed. Reg. 73320 (Dec. 9, 2005). The Clerk complied, and service was returned executed. See Summons Returned Executed (Dkt. #13).

1 Mail Return Receipt (Dkt. #10). No certified mail return receipt has been entered on the docket  
2 confirming service on the United States Attorney General.

3 Additionally, the Screening Order directed the Clerk of Court to issue summons to the United  
4 States Attorney for the District of Nevada and deliver the summons to the U.S. Marshal for service.  
5 The Clerk issued Summons (Dkt. #6-2), but the docket does not reflect that it was delivered with the  
6 Complaint to the U.S. Marshal for service or that the U.S. Marshal has effected service of process on  
7 the United States Attorney. The Motion represents that Plaintiff has not received confirmation of  
8 service on the U.S. Attorney for the District of Nevada and seeks an order directing the Clerk re-serve  
9 him.

10 Having reviewed and considered the matter,

11 **IT IS ORDERED:**

- 12 1. Plaintiff's Motion to Serve Party with Summons and Complaint (Dkt. #15) is  
13 GRANTED.
- 14 2. The Clerk of the Court shall serve the United States Attorney for the District of Nevada  
15 by delivering a copy of the Summons (Dkt. #6-2) and Complaint (Dkt. #5) to the U.S.  
16 Marshal for service.
- 17 3. The Clerk of Court shall also re-serve the United States Attorney General with the  
18 Summons (Dkt. #6) and Complaint (Dkt. #5) by certified mail, and file proof of service  
19 or file proof of service if it has been effected.

20 Dated this 14th day of January, 2013.

21  
22   
23 PEGGY A. LEEN  
24 UNITED STATES MAGISTRATE JUDGE  
25  
26  
27  
28