

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

COLETTE JOHNSON,

Plaintiff,

vs.

MICHAEL J. ASTRUE, COMMISSIONER OF  
SOCIAL SECURITY ADMINISTRATION,

Defendant.

Case No. 2:12-cv-01438-MMD-PAL

**ORDER**

This matter is before the court on the court's review of its previous Order (Dkt. #6). Plaintiff Colette Johnson is proceeding in this action pro se and in forma pauperis and seeks judicial review of a determination by the Social Security Administration (the "SSA") denying Plaintiff

On September 24, 2012, the court entered an Order (Dkt. #6) screening Plaintiff's Complaint 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. That Rule provides that service of process on the United States and its agencies, must be made by personally delivering or mailing by certified mail a copy of the complaint and summons to (a) the United States Attorney for the district where the action is brought; (b) the Attorney General of the United States in Washington, D.C.; and (c) the agency or officer. *See* Fed.R.Civ.P. 4(i)(1)(A), 4(i)(1)(B), and 4(i)(2). Accordingly, the court directed service on the Office of General Counsel for the SSA in Baltimore, Maryland; the Attorney General in Washington, D.C.; and the United States Attorney for the District of Nevada. *See* Order (Dkt. #6).

The court should have directed the Clerk of Court to effect service of process on the United States by certified mail to the Office of Regional Chief Counsel for Region IX of the Social Security Administration in San Francisco, California, pursuant an SSA Notice published at 70 Fed. Reg. 73320 (Dec. 9, 2005) rather than to the SSA's General Counsel in Baltimore, Maryland.

1 That SSA Notice advises that the SSA amended its rules concerning service of process in  
2 lawsuits seeking judicial review of final decisions by the SSA Commissioner on individual claims for  
3 benefits under Titles II, VIII, and/or XVI of the Social Security Act. *See* Notice, 70 Fed. Reg. 73320  
4 (Dec. 9, 2005). The Notice directs that “summons and complaints in these types of cases should be  
5 mailed directly to the office in SSA’s Office of General Counsel (OGC) that is responsible for the  
6 processing and handling of litigation in the particular jurisdiction in which the complaint has been  
7 filed.” *Id.* The revised procedures set forth in the Notice are codified at 20 C.F.R. 423.1, which  
8 provides that service of process on the SSA or the Commissioner of the SSA should be effected on the  
9 SSA’s regional Office of General Counsel for the jurisdiction where the complaint was filed. *See* 20  
10 C.F.R. 423.1 (Oct. 11, 2012).

11 Accordingly,

12 **IT IS ORDERED** that the Clerk of the Court shall serve the Commissioner of the Social  
13 Security Administration by sending a copy of the summons and Complaint by certified mail to:

14 Office of the Regional Chief Counsel, Region IX  
15 Social Security Administration  
16 160 Spear St., Suite 899  
San Francisco, CA 94105-1545

17 Dated this 5th day of November, 2012.

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PEGGY A. FEEN  
21 UNITED STATES MAGISTRATE JUDGE  
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