

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KAREN M. LEDESMA,)
)
 Plaintiff,)
)
 v.)
)
 MICHAEL J. ASTRUE, COMMISSIONER)
 OF SOCIAL SECURITY,)
)
 Defendant.)

2:12-cv-01461-JCM-VCF

ORDER

(Motion to Serve Additional Defendants
With Summons and Complaint #12)

Before the court is plaintiff Karen M. Ledesma's Motion to Serve Additional Party with Summons and Complaint (#12). No Opposition was filed.

Background

On August 22, 2012, the court issued an order granting plaintiff's motion to proceed *in forma pauperis* (#1) and screening plaintiff's complaint (#1-1) pursuant to 28 U.S.C. § 1915. (#3). The court directed the Clerk of Court to serve the complaint pursuant to Rule 4(i) of the Federal Rules of Civil Procedure. *Id.* Rule 4(i) provides, in relevant part, that in order to serve the United States and its agencies, a party must deliver or mail 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 Social Security Administration ("SSA") in Baltimore, Maryland; the Attorney General in Washington, D.C.; and the United States Attorney for the District of Nevada. (#3).

Motion to Serve Additional Defendants (#12)

The instant motion requests the court to direct the Clerk of Court to effect service of the complaint (#1-1) and summons by certified mail 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). (#12). That Notice provides that effective December 9, 2005, the SSA amended its rules concerning service of

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

9 Having reviewed and considered the matter,

10 IT IS ORDERED:

11 1. Plaintiff's Motion to Serve Additional Party with Summons and Complaint (#12) is
12 GRANTED.

13 2. The Clerk of the Court shall serve the Commissioner of the Social Security Administration
14 by sending a copy of the summons and Complaint (#1-1) by certified mail to:


15 Office of the Regional Chief Counsel, Region IX

16 Social Security Administration

17 160 Spear St., Suite 899

18 San Francisco, CA 94105-1545

19 DATED this 1st day of November, 2012.

20
21 

22 **CAM FERENBACH**
23 **UNITED STATES MAGISTRATE JUDGE**