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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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Defendant.

vs. MICHAEL J. ASTRUE, COMMISSIONER OF SOCIAL SECURITY ADMINISTRATION, Case No. 2:12-cv-01850-MMD-PAL

ORDER

This matter is before the court based on the court's review of the docket. Plaintiff is proceeding in this action for Social Security disability benefits in forma pauperis but is represented by counsel. On November 7, 2012, the court entered an Order (Dkt. #2) screening Plaintiff's Complaint (Dkt. #3) 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 Region IX for the Social Security Administration in San Francisco, California; and the Attorney General in Washington, D.C.¹ *See* Order (Dkt. #2). The Clerk issued Summons (Dkt. #4) 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. #5). The docket reflects that service is complete on the Office of General Counsel. *See* Certificate of Service (Dkt. #7). No certified mail return receipt has been entered on the docket confirming service on the United States Attorney General.

¹See 70 Fed. Reg. 73320 (Dec. 9, 2005); 20 C.F.R. § 423.1.

Additionally, the Screening Order (Dkt. #2) directed the Clerk of Court to issue summons to the United States Attorney for the District of Nevada and deliver the summons to the U.S. Marshal for service. The Clerk issued Summons (Dkt. #4), but the docket does not reflect that it was delivered with the Complaint to the U.S. Marshal for service or that the U.S. Marshal has effected service of process on the United States Attorney.

Having reviewed and considered the matter,

IT IS ORDERED:

- The Clerk of the Court shall serve the United States Attorney for the District of Nevada by delivering a copy of the Summons (Dkt. #4-2) and Complaint (Dkt. #3) to the U.S. Marshal for service or file proof of service if service has been made.
- The Clerk of Court shall also re-serve the United States Attorney General with the Summons (Dkt. #4-1) and Complaint (Dkt. #3) by certified mail and file proof of mailing and effective service.

Dated this 30th day of January, 2013.

UNITED STATES MAGISTRATE JUDGE