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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

ROBERT KENT SCHMITT,

Plaintiff,

v.

NANCY A. BERRYHILL, Acting
Commissioner of Social Security,

Defendant.

Case No. 2:17-cv-01349-RFB-PAL

ORDER

This matter is before the court on Plaintiff Robert Kent Schmitt's Receipt of Payment (ECF No. 7). On June 21, 2017, the court entered an Order (ECF No. 6) denying Schmitt's Application to Proceed *In Forma Pauperis* (ECF No. 1) without prejudice. The court gave Mr. Schmitt until July 6, 2017, to: (i) file the long form *in forma pauperis* ("IFP") application, or (ii) pay the \$400.00 filing fee. He opted to pay the filing fee.

On May 19, 2017, a Notice of Appearance (ECF No. 3) was filed by Special Assistant United States Attorney Michael Marriott indicating that he will be appearing as counsel of record in this case. However, summons has not been issued, there is no proof of service of complaint and summons on file, and the notice of appearance does not indicate that the Commissioner has been served, or waived service. Mr. Schmidt filed a letter which the clerk docketed as an Affidavit of Service (ECF No. 4) indicating that he sent "service letters of Complaint" to Defendant, the United States Attorney for the District of Nevada, and Attorney General Jeff Sessions.

Accordingly,


IT IS ORDERED:

1. The Clerk of the Court SHALL FILE the Complaint (ECF No. 1-1).

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2. Counsel for the Commissioner shall file a statement with the court by **August 11, 2017**, indicating whether the Commissioner acknowledges effective service, has any claim regarding service, or deems the attempted service not effective.
3. From this point forward, Mr. Schmitt shall serve upon counsel for the Commissioner a copy of every pleading, motion, or other document filed with the Clerk of the Court pursuant to LR IC 1-1 and 4-1 of the Local Rules of Practice. In accordance with LR IC 4-1(d), the parties shall include with each filing a certificate of service stating that a true and correct copy of the document was served on an opposing party or counsel for an opposing party and indicating how service was accomplished. The court may disregard any paper received by a district judge or magistrate judge that has not been filed with the Clerk of the Court, and any paper received by a district judge, magistrate judge, or the Clerk of the Court that fails to include a certificate of service.
4. Following the Defendant's filing of an answer, the court will issue a scheduling order setting a briefing schedule.

Dated this 12th day of July, 2017.



PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE