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1 2 3 4 UNITED STATES DISTRICT COURT 5 DISTRICT OF NEVADA 6 7 MARLENE L. WATSON, Case No. 2:18-01019-JCM-PAL 8 Plaintiff, 9 **ORDER** v. NANCY A. BERRYHILL, Acting (Am. Compl. - ECF No. 7)10 Commissioner of Social Security, 11 Defendant. 12 Plaintiff Marlene L. Watson has submitted an Amended Complaint (ECF No. 7) in 13 accordance with the court's Screening Order (ECF No. 2) dismissing the original complaint with 14 leave to amend. The court has reviewed the amended complaint and finds that it states a claim for 15 initial screening purposes. 16 Both the complaint and the amended complaint generically name the "Commissioner of 17 Social Security" as the defendant in this action. Nancy A. Berryhill is the Acting Commissioner 18 of Social Security. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure and 42 U.S.C. 19 § 405(g), the court therefore substituted Nancy A. Berryhill for the "Commissioner of Social 20 Security" as the defendant in this case. Screening Order (ECF No. 2) at 1 n.1. Although the 21 amended complaint corrects the substantive deficiencies noted in the screening order, it does not 22 correct the substituted defendant's name. Ms. Berryhill remains substituted as the defendant in 23 this case. Plaintiff is instructed to correct the caption in all future filings to reflect the substitution. 24 Accordingly, 25 /// 26 /// 27

IT IS ORDERED:

- The Clerk of the Court shall ISSUE SUMMONS to the United States Attorney for the District of Nevada and DELIVER the summons and Amended Complaint (ECF No. 7) to the U.S. Marshal for service.
- 2. The Clerk of the Court shall also **ISSUE SUMMONS** to Nancy A. Berryhill, Acting Commissioner of Social Security, and the Attorney General of the United States.
- 3. Plaintiff shall SERVE the Acting Commissioner by sending a copy of the summons and Amended Complaint by certified mail to: (1) Office of Regional Chief Counsel, Region IX, Social Security Administration, 160 Spear Street, Suite 800, San Francisco, California 94105-1545; and (2) Attorney General of the United States, Department of Justice, 950 Pennsylvania Avenue, N.W., Room 4400, Washington, D.C. 20530.
- 4. Following the Acting Commissioner's filing of an answer, the court will issue a scheduling order setting a briefing schedule.
- 5. From this point forward, Plaintiff shall serve upon the Acting Commissioner or, if appearance has been entered by counsel, upon the attorney, 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.
- 6. In any future filing, Plaintiff shall correct the caption to reflect the substitution of defendant Nancy A. Berryhill for the generic "Commissioner of Social Security."

Dated this 20th day of September, 2018.

PECONTEEN

UNITED STATES MAGISTRATE JUDGE