

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

BENJAMIN NASH,

Plaintiff,

v.

Civ. No. 20-1359 KRS/GJF

TOM VILSACK, *Secretary, Department of
Agriculture,*

Defendant.

**MEMORANDUM OPINION AND ORDER FOR SERVICE
AND DENYING PLAINTIFF'S MOTION FOR SERVICE BY PUBLICATION**

Plaintiff is proceeding *in forma pauperis* pursuant to 28 U.S.C. § 1915 which provides that the “officers of the court shall issue and serve all process and perform all duties in [proceedings *in forma pauperis*]”). 28 U.S.C. § 1915(d). Because Plaintiff is authorized to proceed *in forma pauperis* under 28 U.S.C. § 1915, the Court will order the Clerk of the Court to serve Defendant pursuant to Fed. R. Civ. P. 4(i)(2), “Serving the United States and Its Agencies, Corporations, Officers, or Employees,” “Agency; Corporation; Officer or Employee Sued in an Official Capacity.”

IT IS THEREFORE ORDERED that:

- (i) The Clerk of the Court shall serve the United States by:
 - (a) “deliver[ing] a copy of the summons and of the [Complaint, ECF 1, filed December 29, 2020] to the United States attorney for the [District of New Mexico]—or to an assistant United States attorney or clerical employee whom the United States attorney designate[d] in a writing filed with the court clerk—or

send[ing] a copy of each by registered or certified mail to the civil-process clerk at the United States attorney’s office” and
 - (b) “send[ing] a copy of each by registered or certified mail to the Attorney General of the United States at Washington, D.C.”

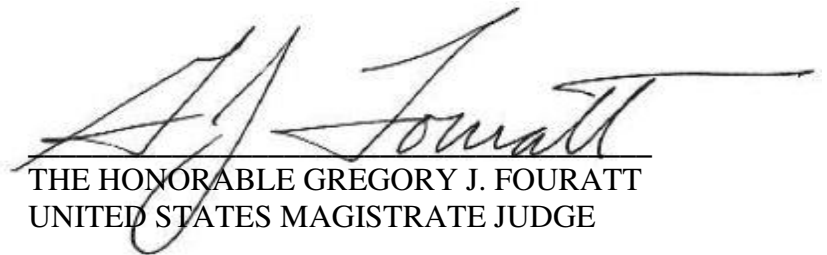
Fed. R. Civ. P. 4(i)(1).

- (ii) The Clerk of the Court shall serve Defendant by “send[ing] a copy of the summons and of the [Complaint, ECF 1, filed December 29, 2020] by registered or certified mail to:”

Tom Vilsack
United States Department of Agriculture
1400 Independence Ave., S.W.
Washington, D.C. 20250

Fed. R. Civ. P. 4(i)(2).

- (iii) Plaintiff’s Motion for Service by Publication [ECF 6], filed March 11, 2021, is **DENIED AS MOOT** because the Court is granting Plaintiff’s motion for service on Defendant.



THE HONORABLE GREGORY J. FOURATT
UNITED STATES MAGISTRATE JUDGE