IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

DALE BORING,

Case No. 3:23-cv-1611-YY

Plaintiff,

ORDER

v.

MARTIN O'MALLEY, Commissioner of Social Security, UNITED STATES SOCIAL SECURITY ADMINISTRATION, GAIL ENNIS, DONALD JEFFERSON, MICHELLE MURRAY, AURELIA MOORE

Defendants.

Michael H. Simon, District Judge.

Plaintiff, representing himself, has sued the Commissioner of the Social Security

Administration in his official capacity, the U.S. Social Security Administration, and four

employees of the Social Security Administration in their official and personal capacities. After

issuing an Order to Show Cause why the case should not be dismissed for lack of proper service,

U.S. Magistrate Judge Youlee Yim You issued a Findings and Recommendation recommending

that this Court dismiss the case without prejudice for failure to comply with Rule 4(m) of the

Federal Rules of Civil Procedure.

Under the Federal Magistrates Act, a district court may "accept, reject, or modify, in

whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C.

§ 636(b)(1). If a party objects to a magistrate judge's findings and recommendations, "the court

shall make a de novo determination of those portions of the report or specified proposed findings

or recommendations to which objection is made." Id.; Fed. R. Civ. P. 72(b)(3). Plaintiff objected,

arguing that he had attempted to cure the deficiencies in service and requesting that he be given

another opportunity to do so if his service attempts continued to be lacking. The Court extended

the time for service under Rule 4(m) until June 3, 2024, allowed Plaintiff additional time to cure

the deficiencies identified by Judge You, and deferred ruling on the Findings and

Recommendation. ECF 20.

On May 31 and June 1, 2024, Plaintiff filed additional Certificates of Services. ECF 21,

22. These Certificates of Service show that a nonparty to this action sent the complaint and

summonses through Certified Mail to the United States Attorney General, the Oregon United

States Attorney's office in Portland, Oregon, the Social Security Administration in Maryland,

and the individual defendants. This is sufficient to cure the deficiencies identified by Judge You

in her Order dated December 6, 2023 (ECF 12), and reiterated on February 27, 2024 (ECF 14).

Because Plaintiff has cured the deficiencies in service identified by Judge You within the

extended time for service allowed by the Court, the Court declines to adopt the Findings and

Recommendation (ECF 16).

IT IS SO ORDERED.

DATED this 4th day of June, 2024.

/s/ Michael H. Simon

Michael H. Simon

United States District Judge

PAGE 2 – ORDER