

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

James Morgan Boinau, Jr.,	)	C/A No. 0:12-2740-PJG
	)	
Plaintiff,	)	
	)	
v.	)	<b>ORDER</b>
	)	
Michael J. Astrue,	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	
	)	

This social security action is before this court pursuant to 42 U.S.C § 405(g) for review of a final decision of the Commissioner of the Social Security Administration (“Commissioner”). The plaintiff, James Morgan Boinau, Jr., (“Plaintiff”) initiated this action and filed his Complaint on September 21, 2012. (ECF No. 1.)

The Federal Rules of Civil Procedure state that a plaintiff must serve a defendant within 120 days after the complaint is filed and, unless service is waived, must provide proof of service to the court. Fed. R. Civ. P. 4(*l*)(1) and 4(m). As of the date of this order, more than 120 days has passed since the Plaintiff initiated this action by filing his Complaint and the Plaintiff has not filed proof of service with the court nor provided completed USM-285 forms so that service can be effected by the U.S. Marshal’s Service pursuant to Rule 4(c)(3) of the Federal Rules of Civil Procedure. It is therefore

**ORDERED** that the Plaintiff shall have until **February 4, 2013** to provide the court with proof of service of the Complaint upon the defendant in accordance with Federal Rule of Civil Procedure 4(*l*)(1), or to show good cause for failure to serve pursuant to Rule 4(m), or to provide

USM-285 for service by the U.S. Marshal. **Failure to do so will result in a recommendation that this case be dismissed for failure to serve.** Fed. R. Civ. P. 4(m).

**IT IS SO ORDERED.**



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Paige J. Gossett  
UNITED STATES MAGISTRATE JUDGE

January 28, 2013  
Columbia, South Carolina