

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DEBBIE HOLLAND,

Plaintiff,

V.

**MICHAEL ASTRUE, Commissioner of
Social Security,**

Defendant

CASE NO. C09-5574JRC

The Court, having reviewed the record, does hereby find and ORDER:

(1) Rule 4(m) of the Federal Rules of Civil Procedure requires a defendant to be served within 120 days after the complaint is filed. Fed. R. Civ. P. Rule 4(m). Rule 4(l) requires proof of service to be filed or made to the court. Fed. R. Civ. P. Rule 4(l). With regard to a social security complaint, Rule 4(i) requires plaintiff to serve a summons and copy of complaint on the following entities: (a) the United States attorney for the district in which the action is brought or to an assistant United States attorney or clerical employee designated by the United States attorney in a writing filed with the clerk of the court or the civil process clerk at the office of the United States attorney; (b) the Attorney General of the United States at Washington,

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District of Columbia; and (c) the officer or agency. At this time, the record does not show that the complaint has been properly served.

(2) Rule (4)(m) requires the court to provide notice to the plaintiff before the matter can be dismissed for lack of prosecution under that rule. Accordingly, plaintiff is hereby notified that proof of service must be made to the court **by not later than March 3, 2010**. Otherwise, the court will recommend dismissal of this case for failure to prosecute the matter.

(3) The Clerk is directed to send copies of this Order to plaintiff's counsel.

DATED this 5th day of February, 2010.

J. K. Ward (matua)

J. Richard Creature
United States Magistrate Judge