

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MATTHEW SCOTT PORTER,

Case No. 17-14113

Plaintiff,

District Judge Marianne O. Battani
Magistrate Judge R. Steven Whalen

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

_____ /

ORDER TO CORRECT DEFICIENCY

On December 20, 2017, Plaintiff Matthew Scott Porter filed a complaint under 42 U.S.C. § 405(g) challenging the denial of Social Security Disability benefits. He filed this case *pro se*, that is, without a lawyer. Because he has been granted permission to proceed without prepaying the filing fee, he is entitled to service of his complaint by the United States Marshal's Service. In a Social Security case, the Federal Rules of Civil Procedure require that three people or agencies be served with a summons and complaint: (1) the Social Security Administration; (2) the United States Attorney for the Eastern District of Michigan; and (3) the Attorney General of the United States. Fed.R.Civ.P. 4 (i)(1) and (2).

The Federal Rules also require that a plaintiff give the person who is going to serve the complaint a sufficient number of copies for service. Fed.R.Civ.P. (c)(1). This means that Mr. Porter must give the Clerk's Office of this Court **three copies of his complaint**. He has only filed one copy.

On January 2, 2018, the Court entered an Order directing Mr. Porter to present the Clerk's Office with "one copy of the complaint for each defendant." There is only one Defendant in this case, so he literally complied with this Order. The problem is that the Order was unclear, and did not properly advise Mr. Porter that he needed to submit *three copies* of the complaint.

So, to be clear, no later than MAY 25, 2018, Mr. Porter must send three copies of his complaint to the Clerk of this Court for service by the United States Marshal.

Given Mr. Porter's *pro se* status, and with regard to the nature of his claims, the Clerks Office will, upon receipt of the copies of the complaint, prepare summonses and provide the complaints and summonses to the United States Marshal's Office for service under Fed.R.Civ.P. 4 (i)(1) and (2). The previous order that required Mr. Porter to submit two USM 285 forms for each defendant and three summonses for each defendant [Doc. #7] is VACATED.

The time for service of the complaints and summonses is extended 90 days from the date of this Order.

If Mr. Porter does not send the Clerk of the Court three copies of his complaint by May 25, 2018, his case may be subject to dismissal.

IT IS SO ORDERED.

s/ R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: April 20, 2018

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was sent to parties of record on April 20, 2018, electronically and/or by U.S. mail.

s/Carolyn M. Ciesla
Case Manager to the
Honorable R. Steven Whalen