

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY**

**In Re: SERVICE OF PROCESS IN ACTIONS
SEEKING JUDICIAL REVIEW OF A FINAL
DECISION OF THE COMMISSIONER OF
SOCIAL SECURITY UNDER 42 U.S.C. § 405(G)**

**GENERAL ORDER
NO. 21-20**

* * *

To facilitate timely service of process of cases filed under 42 U.S.C. § 405(g) for review on the record of a final decision of the Commissioner of Social Security that presents only an individual claim, the Commissioner of the Social Security Administration (“Commissioner”) and the United States Attorney’s Office for the Western District of Kentucky (“USAO-WDKY”) have agreed not to raise insufficient process or service as a defense, pursuant to Fed. R. Civ. P. 12(b)(4) or (5), if service is made under the terms set forth hereinbelow.

THE COURT HEREBY ORDERS:

(1) For complaints seeking judicial review under 42 U.S.C. § 405(g) of a final decision of the Commissioner that presents only an individual claim, service on the USAO-WDKY and the Commissioner may be accomplished by electronic delivery of the complaint through the Court’s Case Management/Electronic Case Files system (CM/ECF) to e-mail addresses provided to the Clerk’s Office by the USAO-WDKY.

(2) Upon the filing of a complaint seeking judicial review under 42 U.S.C. § 405(g) of a final decision of the Commissioner that presents only an individual claim, and promptly following the receipt of the required filing fee or entry of an order granting a plaintiff’s application to proceed *in forma pauperis*, the Clerk of Court will add the appropriate email addresses furnished by the USAO-WDKY, transmitting a Notice of Electronic Filing (“NEF”) to those email addresses.

(3) Service will be considered complete under Fed. R. Civ. P. 4(i)(1)(A and C) when the CM/ECF system generates this NEF to the USAO-WDKY and the Commissioner. The USAO-WDKY and the Commissioner agree not to raise insufficient process or service as a defense, pursuant to Fed. R. Civ. P. 12(b)(4) or (5), if service of the Complaint is made electronically through the CM/ECF system. Nothing in this Order shall be deemed a waiver of service under Fed. R. Civ. P. 4(d).

(4) The Clerks' office will, additionally, enter the following notice:


NOTICE OF SERVICE: For those complaints seeking judicial review pursuant to 42 U.S.C. § 405(g), the Commissioner of the Social Security Administration and the United States Attorney's Office for the Western District of Kentucky have agreed not to raise insufficient process or service as a defense, pursuant to Fed. R. Civ. P. 12(b)(4) or (5), if service is made electronically through the CM/ECF system. As such, the plaintiff need not serve a summons and complaint under Fed. R. Civ. P. 4. See General Order 21-20.

If the complaint was not filed electronically, the Clerk shall send a hard copy of this notice to the plaintiff.

(5) The Commissioner and USAO-WDKY may withdraw their agreement at any time and upon notice to the Court.

(6) This General Order shall be effective as of October 11, 2021 and shall remain in effect until modified or terminated by the Court.

DATED: October 7, 2021



Greg N. Stivers, Chief Judge
United States District Court

ENTERED
JAMES J. VILT JR., CLERK
10/7/2021
Celia Furberg, D.C.
U.S. DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY