

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF NEW YORK

**INSTRUCTIONS FOR COUNSEL - SOCIAL SECURITY APPEAL CASES**

**Contents of Filing Package:**

- 1) Form Complaint For Appeal of A Decision by the Commissioner of Social Security**
- 2) U.S. Agency Notification Sheet For Service**
- 3) Civil Cover Sheet**
- 4) Application To Proceed Without Prepayment Of Fees**
- 5) Civil Summons**
- 6) Social Security Action - Case Assignment Form**
- 7) Consent to Proceed Before a U.S. Magistrate Judge**
- 8) Copy of General Order #18 - Social Security Action Scheduling Order**

Dear Counsel:

Please find attached the necessary forms for filing an action against the Commissioner of Social Security. Follow the instructions below for completing the forms. After you have filled out the various forms you should return them to the clerk's office for filing. Once you have completed service, please remember to return your original summons along with the affidavits of service to the Clerk for filing.

1) Complete the Form Complaint - Return the original to the Court along with (3) copies.

\* Please attach a Copy of the Appeals Council Decision to the Complaint Form.

2) Complete the Application to Proceed Without Prepayment of Fees and Affidavit (2 sided form)

- If the Court grants the Application to Proceed Without Prepayment of Fees the Filing Fee will be waived.

\* If you are going to pay the filing fee do not complete this form.

3) Complete the Civil Cover Sheet

4) Complete the summons - Pursuant to General Order #18 the Government has 100 days to answer or move.

\* Please complete all copies of the summons, the clerk will issue the summons and attach one to each copy of the complaint to be served.

5) A Notice to Consent to the Exercise of Civil Jurisdiction by A Magistrate Judge is attached for your review and consideration.

6) A Social Security Action - Case Assignment Form. The Clerk will complete this form and return it to you when the action is filed with the Court.

7) A copy of General Order #18 - Scheduling Order for Social Security Actions - Please keep this order.

**\*REMEMBER TO SIGN ALL ORIGINAL DOCUMENTS\***

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**NOTICE**

TO: Counsel Filing Social Security Appeal Cases

FROM: The Clerk's Office

SUBJECT: Service of the Summons and Complaint

When serving a case against the Social Security Administration, you must also serve the Attorney General of the United States and United States Attorney for the district in which you file your action along with the Commissioner of Social Security.

Service upon the United States, and its Agencies, Corporations or Officers must be in accordance with Federal Rule of Civil Procedure 4(I).

SERVICE OF SOCIAL SECURITY COMPLAINTS

1) United States Attorney General  
Constitution Avenue & 10<sup>th</sup> St., N.W.  
Washington, D.C. 20530

(Summons and Complaint to be served by Registered or Certified Mail)

2) Office of the Regional Chief Counsel  
Region II  
26 Federal Plaza, Room 3904  
New York, New York 10278-0004

(Summons & Complaint to be served by Registered or Certified Mail)

3) LOCAL OFFICES OF THE U.S. ATTORNEY - NDNY

United States Attorney  
Northern District of New York  
100 S. Clinton Street  
Room 900  
Syracuse, NY 13261-7198

United States Attorney  
Northern District of New York  
James T. Foley U.S. Courthouse Bldg.  
Room 231  
Albany, NY 12207-2924

United States Attorney  
Northern District of New York  
15 Henry Street, 3<sup>rd</sup> Floor  
Binghamton, NY 13902

(Service upon the U.S. Attorney for the Northern District may be made by delivering a copy of the Summons and Complaint to one of the local offices or by sending the Summons and Complaint by Registered or Certified Mail)