



UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF NEW YORK

SOCIAL SECURITY APPEAL PACKAGE
FOR PRO SE LITIGANTS.

Dear Litigant:

Enclosed within this package are the forms necessary for filing an action against the Commissioner of Social Security. Your package should include the following items:

- Instruction sheet for filing an Appeal of a Decision by the Commissioner of Social Security;
- A Form Complaint for Appeal of a Decision by the Commissioner of Social Security;
- A Civil Cover Sheet;
- An application to proceed without prepayment of fees;
- Three (3) Civil Summons. These summons are pre-addressed to the Commissioner of Social Security, the United States Attorney for the Northern District and the United States Attorney General.
- Three (3) U.S. Marshal Service Forms (USM) and an instruction sheet for completing these forms;
- A Social Security Action - Case Assignment Form;
- A copy of General Order 18;
- A Notice to Consent to the Exercise of Civil Jurisdiction by a Magistrate Judge.

If you would like additional copies of these documents, they are available and can be downloaded from the Northern District's web page at www.nynd.uscourts.gov.

Lawrence K. Baerman
Clerk of Court

INSTRUCTIONS FOR PRO SE LITIGANTS
FILING SOCIAL SECURITY APPEAL CASES

Below are instructions for completing the forms necessary to appeal a decision by the Commissioner of Social Security. After you have completed the various forms, you will need to return them to the Clerk's office for filing. Your failure to complete all of the required forms or the inaccurate completion of these forms may result in a delay in processing your appeal.

Step 1: Complete the Form Complaint.

You must complete the Form Complaint and return it, along with three copies, to the Clerk's Office. Along with your original complaint and three copies, you must attach a copy of the Appeals Council's Decision. **Please remember to sign your original complaint.**

Step 2: Complete the Application to Proceed Without Prepayment of Fees and Affidavit.

If you wish to request the filing fees be waived, you must complete Application to Proceed Without Prepayment of Fees and Affidavit. Please note that this is a two sided form. If the Court grants your application to proceed without prepayment of fees, the filing fees will be waived.

Step 3: Complete the Civil Cover Sheet (JS 44 form).

In order to process your complaint, the Clerk's Office must receive a completed Civil Cover Sheet (Form JS-44). Instructions for completing this form can be found on the reverse side of the form. Typically, in social security appeal cases, the basis of jurisdiction is "Federal Question" and the "Nature of Suit" is either 863 DIWC/DIWW or 864 SSID Title XVI. If you have any questions about this form, the intake clerk at the Clerk's Office will be happy to assist you.

Step 4: Complete the summons:

In order to serve your complaint you must complete and have signed by the Clerk's Office a summons for each entity to be served. Pursuant to federal law, when appealing a determination of the Commissioner of Social Security, you must serve the Commissioner of Social Security, the United States Attorney for the Northern District of New York and the United States Attorney General. To assist you, the package contains pre-addressed summons to the following agencies:

Office of the Regional Chief Counsel, Region II
Social Security Administration
26 Federal Plaza
Room 3904
New York, New York 10278-0004

The United States Attorney for the
Northern District of New York
100 S. Clinton Street
Syracuse, New York 13261

The United States Attorney General
Constitution Avenue & 10th St. N.W.
Washington, D.C. 20530

Step 5: If you wish to have the U.S. Marshals serve your Summons and Complaint, you must complete a U.S. Marshal Service Form (USM 285) for each entity being served. Directions on completing these forms are located on reverse side of the forms. If you do not request the U.S. Marshals serve your action, service of the Summons and Complaint must be completed in accordance with Federal Rule of Civil Procedure 4(i).

Step 6: File the entire package:

After completing all of the necessary documents, you will need to file these papers with the Clerk's Office for the Northern District of New York. Please remember to sign all originals and bring three copies of the complaint and a copy of the Appeals Council's Decision with you.

Upon receipt of your complaint, the Clerk's Office will issue you a Social Security Action – Case Assignment Form. This document is important because it states your civil case number (e.g. ____ CV ____) and the District Judge and Magistrate Judge assigned to handle your case.

If you wish to have your case heard by a United States Magistrate Judge, a Notice to Consent to the Exercise of Civil Jurisdiction by a Magistrate Judge is attached for your review.