

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
GENERAL ORDER 12 - 0025**

The full Court met in executive session on Thursday, September 27, 2012 and approved an amendment to Local Rule 4.0 Waiver of Service. The proposed amendment was published with comments due on July 24, 2012. No comments were received from the Public or the Rules Advisory Committee.

The Court's Rules Committee discussed the proposed amendment at the Rules Committee meeting of September 18, 2012. It recommended that the full Court adopt the proposed amendment as published.

The full Court considered the recommendation of the Rules Committee at its meeting on Thursday, September 27, 2012 and agreed to modify Local Rule 4.0. Therefore,

By direction of the full Court, which met in executive session on Thursday, September 27, 2012,

IT IS HEREBY ORDERED that Local Rule 4.0 Waiver of Service be amended as follows (additions shown thus, deletions shown ~~thus~~):

LR4. ~~Waiver of Service~~ Service in *In Forma Pauperis* Cases

In civil matters in which the plaintiff is authorized to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915, ~~and in which the U.S. Marshal has been designated to effectuate service, the following time limits shall apply to waiver of service notice and requests:~~ service shall be accomplished in the manner set forth in the subsections below.

(a) Service upon the United States, an agency of the United States, or officials of the United States or its agencies in their official capacity, shall be accomplished by plaintiff by registered or certified mail pursuant to FED.R.CIV.P.4(i), except in certain cases under the Social Security Act that are described in subsection (b).

(b) Where a complaint for administrative review is filed pursuant to 42 U.S.C. § 405(g) concerning benefits under the Social Security Act, unless otherwise ordered, by agreement with the United States Attorney, no service of initial process (*i.e.*, summons and complaint) shall be required in any case (not limited to *in forma pauperis* cases). The Social Security Administration

will treat notification through the court's Case Management and Electronic Filing System (CM/ECF) as service under Rule 4 of the Federal Rules of Civil Procedure.

(c) In all cases where a petitioner has filed a habeas corpus petition under 28 U.S.C. § 2254, regardless of whether or not the \$5 filing fee has been paid, service will be pursuant to the agreement, set forth in Appendix 1 to these Local Rules, between the Attorney General of Illinois and the Court .

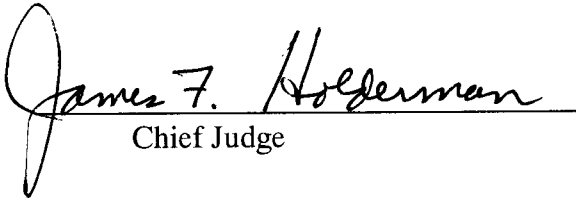
(d) In any action in which the U.S. Marshal has been designated to effectuate service, the U.S. Marshal is requested to send the complaint and appropriate papers for waiver of service to the named defendant (including defendant federal officials sued in their individual capacities) pursuant to Rule 4(d). If a defendant neither returns the waiver nor files a responsive pleading within the required time, the Court will notify the U.S. Marshal of the need for personal service on that defendant. If the U.S. Marshal then effects personal service on the defendant, the Court will impose the costs of service on the defendant consistent with FED.R.CIV.P.4(d)(2).

(e) In actions in which the U.S. Marshal has been designated to effectuate service pursuant to this rule, the following time limits shall apply to waiver of service notice and requests:

(a~~1~~) The notice and request for waiver of service shall allow the defendant a reasonable time to return the waiver, which shall be ~~60~~ 30 days after the date on which the request is sent or ~~90~~ 60 days after that date if the defendant is addressed outside any judicial district of the United States.

(b~~2~~) A defendant that, before being served with process, timely returns a waiver so requested, is not required to serve an answer to the complaint until ~~90~~ 60 days after the date on which the request for waiver of service was sent, or ~~120~~ 90 days after that date if the defendant was addressed outside any judicial district of the United States.

ENTER:
FOR THE COURT


Chief Judge

Dated at Chicago, Illinois this 2nd day of October, 2012