

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

IN THE MATTER OF:

**ADOPTION OF LOCAL RULES**

**Misc. No. 03-MC-115 (RAM)**

**ORDER CONCERNING LOCAL RULE 9**

Local Rule 9(a)(1) which deals with the initial process in Social Security Cases, indicates as follows:

“(a) **Initial Process.**

- (1) To satisfy Federal Rule of Civil Procedure 4(i)(1), service can be made upon the United States Attorney's Office, Torre Chardon, Suite 1201, 350 Carlos Chardon Ave., San Juan, Puerto Rico 00918. A CM/ECF Notice of Electronic Filing is sufficient to serve the Attorney General and the New York Regional Social Security Administration Office of General Counsel.”

The Department of Justice in Washington recently notified the United States Attorney that Local Rule 9, as amended, is inconsistent with the service of process provisions of Rule 4(i) of the Federal Rules of Civil Procedure that requires service of process to the Attorney General by way of registered or certified mail. The Department of Justice cannot waive this service requirement, despite a waiver from the Commissioner of the Social Security Administration. The United States Supreme Court has sent proposed amendments to the Rules of Civil Procedure to Congress,

and those amendments are expected to come into effect on December 1, 2022. Those amendments would change the service of process requirements to be consistent with the district's current Local Rule 9.

In an attempt to reconcile the service of process mechanisms, the implementation of the service of process provision of Local Rule 9 as it relates to the Attorney General is held in abeyance until December 1, 2022 - the date the amendments to the Federal Rules of Civil Procedure are expected to take effect.

ACCORDINGLY, until further court order, plaintiffs must serve the Attorney General by way of certified or registered mail for service of process to be completed in Social Security cases in this district.

**IT IS SO ORDERED.**

San Juan, Puerto Rico, September 28, 2022.

s/ Francisco A. Besosa  
FRANCISCO A. BESOSA  
SENIOR UNITED STATES DISTRICT JUDGE  
CHAIR, LOCAL RULES COMMITTEE