



Amendment to rules for Service of Process

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to:

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To whom it may concern:

I am a pro se litigant in a number of court cases.

One rule that has caused me great frustration, confusion, and expense has been the duty to serve documents to defendants at their usual place of residence. All of my cases thus far have involved suing government officials in their personal capacities. Their employers – government agencies – have not and will not release their home addresses for proper service.

As you know, failure to make proper service can have serious consequences in a case. As you also know, the average person works at their place of employment for most of the week. They may not even return home if they are frequently in a travel status. For example, two litigants in my cases are residing temporarily in the Washington, DC area but have permanent residences in other states. In most if not all cases, government employees are not permitted to waive service.

Rule 4(e)(2), Federal Rules of Civil Procedure, does not make it clear whether government officials may be served at their places of work, whether agencies must provide current addresses for service of process, or whether Rule 4 (e)(2)(C) provides for service to the agent authorized to accept service of process for the agency or agency officials in their official capacities.

In some cases, e.g. *Bivens v. Six Unknown Named Federal Agents*, the federal officers one is to serve might even be unknown.

At the very least, I recommend that you clarify the rule so that litigants may know their obligations.

However, I urge the US Courts to consider whether the rule requiring service by an adult (not yourself) to the domicile of a litigant is obsolete and unnecessary given modern means of communication, the privacy rights of litigants to their home addresses, the regular place of work of litigants, and the difficulty and cost of obtaining addresses for service.

Sincerely,

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