

CHAPTER 28-06.2

SERVICE OF PROCESS ON UNITED STATES

28-06.2-01. Process served upon the United States - Persons designated to receive summons and complaint. Service must be made upon the United States by any person authorized to make service under state law or the rules of civil procedure by delivering a copy of the summons and of the complaint to the United States attorney for the federal judicial district in which the action is brought, or to an assistant United States attorney in that district, or to a clerical employee designated by the United States attorney, and by sending a copy of the summons and of the complaint by certified mail to the attorney general of the United States, at Washington, District of Columbia, and in any action attacking the validity of an order of an officer or agency of the United States not made a party, by also sending a copy of the summons and of the complaint by certified mail to such officer or agency.

28-06.2-02. Service upon officer, employee, agency, or government corporation of the United States. Service upon an officer, employee, or agency of the United States must be made by serving the United States, and by delivering a copy of the summons and of the complaint to such officer, employee, or agency. If the agency being sued is a government corporation, a copy of the summons and of the complaint must be served in the manner service is authorized by state law or the rules of civil procedure for service on a domestic corporation.

28-06.2-03. Answer by United States - Time limitation. The United States, or an officer, employee, or agency thereof, shall serve an answer to the complaint or to a cross-claim, or a reply to a counterclaim, within sixty days after service upon the United States attorney of the pleading in which the claim is asserted.

28-06.2-04. Service upon officer or employee acting under color of federal employment. The provisions of sections 28-06.2-02 and 28-06.2-03 apply to any action seeking relief against an officer or employee of the United States for any act done under the color of the person's office or employment.

28-06.2-05. Procedures governing other matters remain the same. Except as otherwise provided in this chapter, or by express provision of other law, procedures governing suits against the United States, or any of its agencies, officers, or employees acting in their official capacities, shall be those governing similar suits to which the United States, or an agency, officer, or employee, is not a party.