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APPENDIX A

Eighth Circuit Unpublished Per Curiam Opinion (Apr. 10, 2025)

Case No. 24-3164 — Pet. App. 1a–2a

United States Court of Appeals
For the Eighth Circuit

No. 24-3164

Sarai Hannah Ajai

Plaintiff - Appellant

v.

**North Dakota Department of Transportation, United States Postal Service, Office
of the Inspector General**

Defendants - Appellees

**Appeal from United States District Court
for the District of North Dakota - Eastern**

**Submitted: April 7, 2025
Filed: April 10, 2025
[Unpublished]**

Before BENTON, SHEPHERD, and GRASZ, Circuit Judges.

PER CURIAM.

Sarah Ajai appeals the district court's¹ dismissal of her pro se complaint for lack of jurisdiction. Having jurisdiction under 28 U.S.C. § 1291, this court affirms.

After careful review, this court finds no basis for reversal. *See Chase v. Andeavor Logistics, L.P.*, 12 F.4th 864, 868 (8th Cir. 2021) (standard of review for dismissal under Fed. R. Civ. P. 12); *Dodeco, Inc., v. Am. Bonding Co.*, 7 F.3d 1387, 1388 (8th Cir. 1993) (per curiam) (court lacks jurisdiction over improperly served defendant); *Dolan v. U.S. Postal Serv.*, 546 U.S. 481, 484–85 (2006) (unless otherwise waived, United States Postal Service has federal sovereign immunity, including against allegations of lost or miscarried mail); *see also Nitro Distrib., Inc. v. Alticor, Inc.*, 565 F.3d 417, 428 (8th Cir. 2009) (review of denial of extension of time to amend pleading reviewed for abuse of discretion).

The judgment is affirmed and Ajai's pending motions are denied as moot. *See* 8th Cir. R. 47B.

¹The Honorable Alice R. Senechal, United States Magistrate Judge for the District of North Dakota, to whom the case was referred for final disposition by consent of the parties pursuant to 28 U.S.C. § 636(c).

APPENDIX B

Eighth Circuit Judgment (Apr. 10, 2025)

Case No. 24-3164 — Pet. App. 3a

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No. 24-3164

Sarai Hannah Ajai

Plaintiff - Appellant

v.

North Dakota Department of Transportation; United States Postal Service, Office of the
Inspector General

Defendants - Appellees

Appeal from U.S. District Court for the District of North Dakota - Eastern
(3:24-cv-00127-ARS)

JUDGMENT

Before BENTON, SHEPHERD, and GRASZ, Circuit Judges.

This appeal from the United States District Court was submitted on the record of the
district court and briefs of the parties.

After consideration, it is hereby ordered and adjudged that the judgment of the district
court in this cause is affirmed in accordance with the opinion of this Court.

April 10, 2025

Order Entered in Accordance with Opinion:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Susan E. Bindler

APPENDIX C

Eighth Circuit Order Denying Rehearing (June 20, 2025)

Case No. 24-3164 — Pet. App. 4a

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 24-3164

Sarai Hannah Ajai

Appellant

v.

North Dakota Department of Transportation and United States Postal Service, Office of the
Inspector General

Appellees

Appeal from U.S. District Court for the District of North Dakota - Eastern
(3:24-cv-00127-ARS)

ORDER

The petition for rehearing en banc is denied. The petition for rehearing by the panel is also denied.

Judge Erickson did not participate in the consideration or decision of this matter.

June 20, 2025

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Susan E. Bindler

APPENDIX D

District Court Order Granting Motion to Dismiss (Sept. 19, 2024)

D.N.D. No. 3:24-cv-00127-ARS — Pet. App. 5a–12a

Case 3:24-cv-00127-ARS Document 18 Filed 09/19/24 Page 1 of 8

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

Sarai Hannah Ajai,)
Plaintiff,)
vs.) Case No. 3:24-cv-127
North Dakota Department of)
Transportation and The United States)
Postal Service, Office of Inspector)
General,)
Defendants.)

ORDER

Plaintiff Sarai Hannah Ajai, proceeding without counsel, filed a complaint against the North Dakota Department of Transportation (DOT) and the United States Postal Service (USPS) alleging violations of her constitutional rights and violations of state law. (Doc. 1, pp. 1, 8, 17, 21). The DOT has moved to dismiss the complaint, asserting the court lacks jurisdiction over Ajai's claims against the DOT. In response, Ajai has filed several motions resisting dismissal of her claims. The USPS has not yet appeared in the case. This order addresses each of the pending motions and, under Federal Rule of Civil Procedure 12(h)(3), also addresses whether the court has subject matter jurisdiction over any of Ajai's claims against either the DOT or the USPS.

Background

Ajai's claims relate to events alleged to have occurred when she applied for and was issued a North Dakota Real ID driver license (Real ID), alleged alteration of information associated with the Real ID, the status—whether active, suspended, or invalidated—of the Real ID and notifications related to the status, alleged duplication and dissemination of the Real ID, the USPS's handling of her mail, the alleged alteration

of her birth certificate which had been mailed, and alleged identity theft. *Id.* at 23-33. Ajai requests injunctive relief and money damages.

In its motion to dismiss, the DOT asserts the court lacks personal jurisdiction because Ajai did not properly serve the DOT and, alternatively, the court lacks subject matter jurisdiction because the DOT is entitled to Eleventh Amendment immunity. (Doc. 8).

Ajai, in response to the motion to dismiss, moved for an extension of time to amend the complaint to add claims against a new defendant. (Doc. 12). In support of her request for an extension of time, Ajai submitted a "Shorten[ed] Preliminary Draft of [a] Proposed Plaintiff's First Amended Complaint." (See Doc. 12-2). In that document, Ajai asserts claims against Midcontinent Communications under the Federal Trade Communications Act, the Telemarketing Sales Rule, and state law regarding unfair or deceptive trade practices. Ajai bases those claims on the alleged conversion of her "Midco Home Internet Service into a public Wi-Fi portal" without her consent. *Id.* at 8. In that document, Ajai also asserts (1) the DOT's counsel's use of an electronic signature on the motion to dismiss undermines that motion and warrants sanctions under Federal Rule of Civil Procedure 11 and (2) the DOT waived any argument concerning personal jurisdiction because the North Dakota Attorney General's Office has not identified an address at which the DOT could be properly served. (Doc. 12-2, pp. 8-9).

Ajai also filed a motion to "quash service of the motion to dismiss." (Doc. 13). In that motion, Ajai asserts she did not receive the DOT's motion to dismiss at her residential address or through the USPS's general delivery mail service. *Id.* at 1, 3. She asserts she was not properly served with the motion to dismiss in accordance with North

Dakota Rule of Civil Procedure 4 and, like in her preliminary draft amended complaint, asserts the motion to dismiss is "procedurally deficient" because of the DOT's counsel's use of an electronic signature. Like in her preliminary draft amended complaint, she contends the DOT waived any argument regarding personal jurisdiction because of its lack of transparency regarding an address at which it could be properly served. *Id.* at 3-4.

The DOT provided a limited response to the motion to quash, submitting its certificate of service of the motion to dismiss. (Doc. 14). That certificate of service shows Ajai was served with the motion to dismiss through USPS general delivery mail service. (Doc. 14-1). The court notes Ajai's use of general delivery service as her mailing address in the court docket.

After the DOT provided its limited response to the motion to quash, Ajai filed a document captioned as a "Motion to Respond to the North Dakota Department of Transportation," in which she reiterates the arguments in her earlier motions and challenges the employment status of DOT's counsel. (Doc. 15). In the motion, Ajai requests that the court quash the DOT's motion to dismiss, direct the DOT to properly serve the motion to dismiss on Ajai, verify the DOT's counsel's employment status, and address Ajai's alleged constitutional violations. *Id.* at 5-6.

Law and Discussion

1. Personal Jurisdiction over the DOT

Proper service of process is required to effect personal jurisdiction over a defendant. Printed Media Servs., Inc. v. Soina Web, Inc., 11 F.3d 838, 843 (8th Cir. 1993). If a defendant was not properly served, a court lacks jurisdiction over that

defendant regardless of whether the defendant had actual notice of the lawsuit. Adams v. AlliedSignal Gen. Aviation Avionics, 74 F.3d 882, 886 (8th Cir. 1996).

Federal Rule of Civil Procedure 4(j)(2)(A) and (B) governs service on a state agency:

State or Local Government. A state, a municipal corporation, or any other state-created governmental organization that is subject to suit must be served by:

(A) [personally] delivering a copy of the summons and of the complaint to its chief executive officer; or

(B) serving a copy of [the summons and complaint] in the manner prescribed by that state's law for serving a summons or like process on such a defendant.

Fed. R. Civ. P. 4(j)(2)(A) & (B). Delivery of the summons and complaint by mail is not sufficient under Rule 4(j)(2)(A). See Yates v. Baldwin, 633 F.3d 669, 672 (8th Cir. 2011) ("Sending a copy of the complaint and summons to [the chief executive officer] by certified mail . . . is not the equivalent of 'delivering' those documents as required by Rule 4(j)(2)(A).")

As noted, Rule 4(j)(2)(B) permits service on a state agency in accordance with state law. For service on a state agency, North Dakota law requires "delivering a copy of the summons [and complaint] to the managing head of the agency or to the attorney general or an assistant attorney general." Under North Dakota law, a party must "strictly comply with the specific requirements for service of process," and "delivering" a copy of a summons and complaint under Rule 4(d)(F) "does not include mailing, even by certified mail with return receipt and restricted delivery." Sanderson v. Walsh Cnty., 712

N.W.2d 842, 847-48 (N.D. 2006) (emphasis added); see also State ex. rel Olson v. Harrison, 627 N.W.2d 153, 156 (2001).

Ajai's certificate of service shows she mailed the complaint, via certified mail with return receipt requested, to the DOT's Bismarck, North Dakota, address.¹ (Doc. 6; Doc 6-1). Since that is not a permissible means of serving a state agency, service was not proper, and the DOT's motion to dismiss for lack of personal jurisdiction will be granted.

2. Motions to Quash and to Respond

Ajai cited no case law in support of her request to "quash service of the motion to dismiss" or her later "motion to respond." As to her argument that the DOT's motion to dismiss is undermined by use of an electronic signature, that argument is without merit. Counsel's use of an electronic signature on motion papers is common and fully permissible. And nothing supports the proposition that the DOT waived any argument concerning personal jurisdiction because the North Dakota Attorney General's Office has not identified an address at which the DOT could be properly served. Finally, nothing supports Ajai's assertion that she was not served with the motion to dismiss. The DOT's certificate of service demonstrates otherwise. Ajai's motions "to quash" and "to respond" will therefore be denied.

3. Subject Matter Jurisdiction—Eleventh Amendment Immunity

As an alternative basis for dismissal, the DOT asserts this court lacks subject matter jurisdiction because the DOT is entitled to Eleventh Amendment immunity.

¹ Ajai's certificate of service does not indicate whether she mailed both the summons and the complaint.

Under the Eleventh Amendment, states and state agencies are immune from suits in federal courts, absent a waiver of that immunity. Pennhurst State Sch. & Hosp. v. Halderman, 465 U.S. 89, 100 (1984)). "This jurisdictional bar applies regardless of the nature of the relief sought." *Id.* The State of North Dakota has not waived its Eleventh Amendment immunity. See N.D. Cent. Code § 32-12.2-10. Because of that immunity, this court lacks subject matter jurisdiction over Ajai's claims against the DOT. See Fromm v. Comm'n of Veterans Affs., 220 F.3d 887, 890 (8th Cir. 2000). Even if Ajai had properly served the DOT, this court would be required to dismiss the complaint as to the DOT for lack of subject matter jurisdiction because the DOT is entitled to qualified immunity.

4. Subject Matter Jurisdiction—Sovereign Immunity

Federal courts, unlike most state courts, have limited jurisdiction, and the party asserting federal court jurisdiction bears the burden of establishing the court's subject matter jurisdiction. Ark. Blue Cross & Blue Shield v. Little Rock Cardiology Clinic, P.A., 551 F.3d 812, 816 (8th Cir. 2009). Under Federal Rule of Civil Procedure 12(h)(3), this court must dismiss any claims over which it lacks subject matter jurisdiction. "Indeed, a federal court has the responsibility to consider the question of subject-matter jurisdiction *sua sponte* even if not raised by the parties and must dismiss any action where the court lacks jurisdiction." Flute v. United States, No. 4:18-CV-0411-RAL, 2019 WL 3325353, at *3 (D.S.D. July 24, 2019) (citing Hart v. United States, 630 F.3d 1085, 1089 (8th Cir. 2011)).

In her complaint, Ajai states she raises her constitutional claims against the USPS pursuant to Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics,

403 U.S. 388 (1971). (See Doc. 1, p. 8). “Bivens allows for a cause of action for damages against federal officials, not federal agencies, for certain constitutional violations.” Patel v. U.S. Bureau of Prisons, 515 F.3d 807, 812 (8th Cir. 2008) (emphasis added). Suits against federal agencies, as well as against government officials acting in their official capacities, are really suits against the federal government itself. See Loeffler v. Frank, 486 U.S. 549, 554 (1988); Kentucky v. Graham, 473 U.S. 159, 166 (1985). Absent a waiver, the United States is entitled to sovereign immunity. FDIC v. Meyer, 510 U.S. 471, 475 (1994). Simply put, Ajai “cannot bring a Bivens claim against USPS as a government agency.” See Shelton v. U.S. Post Office, No. 3:08-cCV-399, 2008 WL 4628466, at *3 (E.D. Va. Oct. 17, 2008). Because the USPS has sovereign immunity, the court lacks subject matter jurisdiction over Ajai’s claims against that government agency, and the court must *sua sponte* dismiss Ajai’s claims against the USPS under Rule 12(h)(3).

5. Motion for an Extension of Time

Ajai moves for an extension of time to file an amended complaint to include claims against Midcontinent Communications. Those claims are wholly unrelated to the claims raised in her complaint against the DOT and the USPS. (Compare Doc. 1 with Doc. 12-2, p. 8). Aside from that, this court is required to dismiss Ajai’s complaint because the court lacks personal jurisdiction over Ajai’s claims against the DOT and lacks subject matter jurisdiction over her claims against both the DOT and the USPS. Ajai’s motion for an extension of time will be denied.

Conclusion

For the reasons discussed above, it is ORDERED that the DOT’s motion to dismiss, (Doc. 8), is GRANTED, Ajai’s motions to quash and to respond, (Doc. 13; Doc.

15), are **DENIED**, Ajai's motion for an extension of time, (Doc. 12), is **DENIED**, and Ajai's complaint, (Doc. 1), is **DISMISSED** in its entirety.

JUDGMENT SHALL BE ENTERED ACCORDINGLY.

Dated this 19th day of September, 2024.

/s/ Alice R. Senechal

Alice R. Senechal
United States Magistrate Judge

APPENDIX E

District Court Judgment (Sept. 19, 2024)

D.N.D. No. 3:24-cv-00127-ARS — Pet. App. 13a

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Legal AO-450 (Rev. 1/23)

United States District Court *District of North Dakota*

Sarai Hannah Ajai,

Plaintiff,

JUDGMENT IN A CIVIL CASE

vs.

Case No. 3:24-cv-127

North Dakota Department of
Transportation and The United States
Postal Service, Office of Inspector
General,
Defendants.

- Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.
- Decision on Motion.** This action came before the Court on motion. The issues have been considered and a decision rendered.
- Stipulation.** This action came before the court on motion of the parties. The issues have been resolved.
- Dismissal.** This action was voluntarily dismissed by Plaintiff pursuant to Fed. R. Civ. P. 41(a)(1)(ii).

IT IS ORDERED AND ADJUDGED:

Pursuant to the Order entered on September 19th 2024 at Document 18, the DOT's motion to dismiss, (Doc. 8), is GRANTED, Ajai's motions to quash and to respond, (Doc. 13; Doc. 15), are DENIED, Ajai's motion for an extension of time, (Doc. 12), is DENIED, and Ajai's complaint, (Doc. 1), is DISMISSED in its entirety.

Date: September 19, 2024

KARI M. KNUDSON, CLERK OF COURT

by: /s/ Sarah Lien, Deputy Clerk

APPENDIX F

Relevant Constitutional and Statutory Provisions

Includes: U.S. Const. amends. IV, V, XI, XIII, XIV §1; 42 U.S.C. § 1983; REAL ID Act (49 U.S.C. § 30301 note) excerpts; Fed. R. Civ. P. 4(i), 4(j)(2), 4(m)

U.S. Const. amend. IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

U.S. Const. amend. V (Due Process & Takings Clauses)

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

U.S. Const. amend. XI

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

U.S. Const. amend. XIII

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

U.S. Const. amend. XIV, § 1

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

42 U.S.C. § 1983 — Civil Action for Deprivation of Rights

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

REAL ID Act of 2005 (49 U.S.C. § 30301 note) — Excerpts

Title II—Improved Security for Driver’s Licenses and Personal Identification Cards

Sec. 201. Definitions.

- (1) **DRIVER’S LICENSE**—The term “driver’s license” means a motor vehicle operator’s license, as defined in section 30301 of title 49, United States Code.
- (2) **IDENTIFICATION CARD**—The term “identification card” means a personal identification card, as defined in section 1028(d) of title 18, United States Code, issued by a State.
- (3) **OFFICIAL PURPOSE**—The term “official purpose” includes but is not limited to accessing Federal facilities, boarding federally regulated commercial aircraft, entering nuclear power plants, and any other purposes that the Secretary shall determine.
- (4) **SECRETARY**—The term “Secretary” means the Secretary of Homeland Security.
- (5) **STATE**—The term “State” means a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

Sec. 202. Minimum document requirements and issuance standards for Federal recognition.

(a) Minimum standards for Federal use.—

- (1) **IN GENERAL**—Beginning 3 years after the date of the enactment of this division, a Federal agency may not accept, for any official purpose, a driver’s license or identification card issued by a State to any person unless the State is meeting the requirements of this section.
- (2) **STATE CERTIFICATIONS**—The Secretary shall determine whether a State is meeting the requirements of this section based on certifications made by the State to the Secretary. Such certifications shall be made at such times and in such manner as the Secretary, in consultation with the Secretary of Transportation, may prescribe by regulation.

(b) Minimum document requirements.—

To meet the requirements of this section, a State shall include, at a minimum, the following information and features on each driver’s license and

identification card issued to a person by the State:

- (1) The person's full legal name.
- (2) The person's date of birth.
- (3) The person's gender.
- (4) The person's driver's license or identification card number.
- (5) A digital photograph of the person.
- (6) The person's address of **principal** residence.
- (7) The person's signature.
- (8) Physical security features designed to prevent tampering, counterfeiting, or duplication of the document for fraudulent purposes.
- (9) A common machine-readable technology, with defined minimum data elements.

(c) Minimum issuance standards.—

- (1) **IN GENERAL**—To meet the requirements of this section, a State shall require, at a minimum, presentation and verification of the following information before issuing a driver's license or identification card to a person:
 - (A) A photo identity document, except that a non-photo identity document is acceptable if it includes both the person's full legal name and date of birth.
 - (B) Documentation showing the person's date of birth.
 - (C) Proof of the person's social security account number or verification that the person is not eligible for a social security account number.
 - (D) Documentation showing the person's name and address of **principal** residence.

(2) SPECIAL REQUIREMENTS—

- (A) **IN GENERAL**—To meet the requirements of this section, a State shall comply with the minimum standards of this paragraph.
- (B) **EVIDENCE OF LAWFUL STATUS**—A State shall require, before issuing a driver's license or identification card to a person, valid documentary evidence that the person—
 - (i) is a citizen or national of the United States;
 - (ii) is an alien lawfully admitted for permanent or temporary residence in the United States;
 - (iii) has conditional permanent resident status in the United States;
 - (iv) has an approved application for asylum in the United States or has entered into the United States in refugee status;
 - (v) has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;
 - (vi) has a pending application for asylum in the United States;
 - (vii) has a pending or approved application for temporary protected status in

the United States;

- (viii) has approved deferred action status; or
- (ix) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.

(C) TEMPORARY DRIVERS' LICENSES AND IDENTIFICATION CARDS—

- (i) IN GENERAL—If a person presents evidence under any of clauses (v) through (ix) of subparagraph (B), the State may only issue a temporary driver's license or temporary identification card to the person.
- (ii) EXPIRATION DATE—A temporary driver's license or temporary identification card issued pursuant to this subparagraph shall be valid only during the period of time of the applicant's authorized stay in the United States or, if there is no definite end to the period of authorized stay, a period of one year.
- (iii) DISPLAY OF EXPIRATION DATE—A temporary driver's license or temporary identification card issued pursuant to this subparagraph shall clearly indicate that it is temporary and shall state the date on which it expires.
- (iv) RENEWAL—A temporary driver's license or temporary identification card issued pursuant to this subparagraph may be renewed only upon presentation of valid documentary evidence that the status by which the applicant qualified for the temporary driver's license or temporary identification card has been extended by the Secretary of Homeland Security.

(3) VERIFICATION OF DOCUMENTS—To meet the requirements of this section, a State shall implement the following procedures:

- (A) Before issuing a driver's license or identification card to a person, the State shall verify, with the issuing agency, the issuance, validity, and completeness of each document required to be presented by the person under paragraph (1) or (2).
- (B) The State shall not accept any foreign document, other than an official passport, to satisfy a requirement of paragraph (1) or (2).
- (C) Not later than September 11, 2005, the State shall enter into a memorandum of understanding with the Secretary of Homeland Security to routinely utilize the automated system known as Systematic Alien Verification for Entitlements, as provided for by section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (110 Stat. 3009–664), to verify the legal presence status of a person, other than a United States citizen, applying for a driver's license or identification card.

(d) Other requirements.—

To meet the requirements of this section, a State shall adopt the following practices in the issuance of drivers' licenses and identification cards:

- (1) Employ technology to capture digital images of identity source documents so that the images can be retained in electronic storage in a transferable format.
- (2) Retain paper copies of source documents for a minimum of 7 years or images of source documents presented for a minimum of 10 years.
- (3) Subject each person applying for a driver's license or identification card to mandatory facial image capture.
- (4) Establish an effective procedure to confirm or verify a renewing applicant's information.
- (5) Confirm with the Social Security Administration a social security account number presented by a person using the full social security account number. In the event that a social security account number is already registered to or associated with another person to which any State has issued a driver's license or identification card, the State shall resolve the discrepancy and take appropriate action.
- (6) Refuse to issue a driver's license or identification card to a person holding a driver's license issued by another State without confirmation that the person is terminating or has terminated the driver's license.
- (7) Ensure the physical security of locations where drivers' licenses and identification cards are produced and the security of document materials and papers from which drivers' licenses and identification cards are produced.
- (8) Subject all persons authorized to manufacture or produce drivers' licenses and identification cards to appropriate security clearance requirements.
- (9) Establish fraudulent document recognition training programs for appropriate employees engaged in the issuance of drivers' licenses and identification cards.
- (10) Limit the period of validity of all driver's licenses and identification cards that are not temporary to a period that does not exceed 8 years.
- (11) In any case in which the State issues a driver's license or identification card that does not satisfy the requirements of this section, ensure that such license or identification card—
 - (A) clearly states on its face that it may not be accepted by any Federal agency for federal identification or any other official purpose; and
 - (B) uses a unique design or color indicator to alert Federal agency and other law enforcement personnel that it may not be accepted for any such purpose.
- (12) Provide electronic access to all other States to information contained in the motor vehicle database of the State.

- (13) Maintain a State motor vehicle database that contains, at a minimum—
 - (A) all data fields printed on drivers' licenses and identification cards issued by the State; and
 - (B) motor vehicle drivers' histories, including motor vehicle violations, suspensions, and points on licenses.

Sec. 205. Authority.

- (b) EXTENSIONS OF DEADLINES—The Secretary may grant to a State an extension of time to meet the requirements of section 202(a)(1) if the State provides adequate justification for noncompliance.

(Note: Title II includes additional sections; only the provisions most pertinent to identification-card content, issuance, verification, and database access are excerpted here.)

Fed. R. Civ. P. 4(m) — Time Limit for Service

If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period. **This subdivision (m) does not apply to service in a foreign country under Rule 4(f), 4(h)(2), or 4(j)(1), or to service of a notice under Rule 71.1(d)(3)(A).**

Federal Rules of Civil Procedure (Excerpts)

Fed. R. Civ. P. 4(i) — Serving the United States and Its Agencies, Corporations, Officers, or Employees

(1) United States. To serve the United States, a party must:

- (A)(i) deliver a copy of the summons and of the complaint to the United States attorney for the district where the action is brought—or to an assistant United States attorney or clerical employee whom the United States attorney designates in a writing filed with the court clerk—or
- (ii) send a copy of each by registered or certified mail to the civil-process clerk at the United States attorney's office;
- (B) send a copy of each by registered or certified mail to the Attorney General of the United States at Washington, D.C.; and
- (C) if the action challenges an order of a nonparty agency or officer of the United States, send a copy of each by registered or certified mail to the agency or officer.

(2) Agency; Corporation; Officer or Employee Sued in an Official Capacity. To serve a United States agency or corporation, or a United States officer or employee sued only in an official capacity, a party must serve the United States and also send a copy of the summons and of the complaint by registered or certified mail to the agency, corporation, officer, or employee.

(3) Officer or Employee Sued Individually. To serve a United States officer or employee sued in an individual capacity for an act or omission occurring in connection with duties performed on the United States' behalf (whether or not the officer or employee is also sued in an official capacity), a party must serve the United States and also serve the officer or employee under Rule 4(e), (f), or (g).

(4) Extending Time. The court must allow a party a reasonable time to cure its failure to:

- (A) serve a person required to be served under Rule 4(i)(2), if the party has served either the United States attorney or the Attorney General of the United States; or
- (B) serve the United States under Rule 4(i)(3), if the party has served the United States officer or employee.

Fed. R. Civ. P. 4(j)(2) — Serving a State or Local Government

State or Local Government. A state, a municipal corporation, or any other state-created governmental organization that is subject to suit must be served by:

- (A) delivering a copy of the summons and of the complaint to its chief executive officer; or
- (B) serving a copy of each in the manner prescribed by that state's law for serving a summons or like process on such a defendant.