

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
JONESBORO DIVISION**

DEBRA LYNN, on behalf of Kerry Lynn

PLAINTIFF

v.

NO. 3:16-cv-00313 PSH

NANCY A. BERRYHILL, Acting Commissioner  
of the Social Security Administration

DEFENDANT

**ORDER**

Plaintiff Debra Lynn, on behalf of Kerry Lynn, (“Lynn”) commenced the case at bar by filing a complaint pursuant to 42 U.S.C. 405(g). In the complaint, she sought judicial review of the denial of her claims for disability insurance benefits and supplemental security income payments.

The Acting Commissioner of the Social Security Administration (“Commissioner”) has now filed the pending motion to dismiss a portion of Lynn’s complaint. See Document 12. In the motion, the Commissioner asks that Lynn’s claim for supplemental security income payments be dismissed because the Court does not have jurisdiction of the claim. “The Commissioner does not argue that [Lynn’s] action for [disability insurance benefits] is properly before the Court.” See Document 12 at CW ECF 2. Lynn does not oppose the Commissioner’s motion.

For good cause shown, the Commissioner's motion to dismiss a portion of Lynn's complaint is granted. Lynn's claim for supplemental security income payments is dismissed. Her claim for disability insurance benefits is properly before the Court, and she may proceed with that claim.

IT IS SO ORDERED this 26th day of January, 2017.



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UNITED STATES MAGISTRATE JUDGE