

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

NATHAN DIAZ,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 1:21-cv-00363-SAB

ORDER GRANTING APPLICATION TO  
PROCEED *IN FORMA PAUPERIS* AND  
DIRECTING CLERK OF COURT TO ISSUE  
SUMMONS

(ECF No. 4)

Nathan Diaz ("Plaintiff") filed a complaint on March 9, 2021, challenging a final decision of the Commissioner of Social Security denying his application for disability benefits. Plaintiff did not pay the filing fee in this action and instead filed an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. (ECF No. 2.) The Court found that Plaintiff's application did not demonstrate that he was entitled to proceed in this action without the prepayment of fees and Plaintiff was ordered to file a long form application. (ECF No. 3.) On March 31, 2021, Plaintiff filed a long form application to proceed *in forma pauperis*. (ECF No. 4.) Plaintiff's application demonstrates entitlement to proceed without prepayment of fees.

On April 14, 2020, General Order Number 615 issued staying all Social Security actions filed after February 1, 2020 until the Commissioner may begin normal operations at the Office of Appellate Hearings Operations and may resume preparation of a certified copy of the administrative record. The Court shall order that the complaint in this action be served and the

1 matter will be stayed once service has been effected on the defendant. Plaintiff is hereby  
2 directed to paragraph 1 of the scheduling order to be issued in this action, which directs that the  
3 summons and complaint shall be served **within 20 days of the filing of the complaint.** Plaintiff  
4 shall promptly file proof of service with the Court upon completion of service.

5 Accordingly, IT IS HEREBY ORDERED THAT:

- 6 1. Plaintiff's application to proceed *in forma pauperis* is GRANTED;
- 7 2. The Clerk of Court is DIRECTED to issue a summons; and
- 8 3. The United States Marshal is DIRECTED to serve a copy of the complaint,  
9 summons, and this order upon the defendant if requested by the plaintiff.

10 IT IS SO ORDERED.

11 Dated: April 23, 2021

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14 UNITED STATES MAGISTRATE JUDGE  
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