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

FRED MCMILLEN,  
  
                    Plaintiff,  
  
          v.  
  
COMMISSIONER OF SOCIAL SECURITY,  
  
                    Defendant.

Case No. 1:22-cv-00925-AWI-SAB  
  
ORDER VACATING FINDINGS AND  
RECOMMENDATIONS TO DENY  
PLAINTIFF’S APPLICATION TO  
PROCEED IN FORMA PAUPERIS;  
DENYING APPLICATION AS MOOT; AND  
DIRECTING CLERK OF THE COURT TO  
ISSUE SUMMONS AND SERVE  
DEFENDANT UNDER E-SERVICE  
PROGRAM  
  
(ECF Nos. 4, 5)

On July 26, 2022, Plaintiff Fred McMillen (“Plaintiff”) filed the complaint in this action seeking judicial review of the final decision of Defendant Commissioner of Social Security (“Defendant”) denying an application for benefits under the Social Security Act. (ECF No. 1.) Plaintiff also filed an application to proceed *in forma pauperis* on the same day. (ECF No. 2.) On July 27, 2022, the Court issued an order denying Plaintiff’s application to proceed *in forma pauperis* without prejudice and requiring Plaintiff to file a long form application. (ECF No. 3.) On August 3, 2022, Plaintiff filed a long form application. (ECF No. 4.) On August 5, 2022, the Court issued findings and recommendations to deny Plaintiff’s application to proceed *in forma pauperis* and require Plaintiff to pay the filing fee or face dismissal. (ECF No. 5.) On

1 August 9, 2022, Plaintiff paid the filing fee in full. Therefore, the Court finds it appropriate to  
2 vacate its prior findings and recommendations and deny the pending application as moot. The  
3 parties are hereby directed to paragraph 1 of the scheduling order to be issued in this action,  
4 which provides that service of the Defendant shall proceed under the Court's E-service  
5 program.

6 Accordingly, IT IS HEREBY ORDERED THAT:

- 7 1. Plaintiff's August 3, 2022 application to proceed *in forma pauperis* (ECF No. 4)  
8 is DENIED as moot;
- 9 2. The August 5, 2022 findings and recommendations recommending that Plaintiff's  
10 application to proceed *in forma pauperis* be denied and Plaintiff be required to  
11 pay the filing fee (ECF No. 5) are VACATED;
- 12 3. The Clerk of the Court is DIRECTED to issue a summons and new case  
13 documents; and
- 14 4. The Clerk of the Court is DIRECTED to deliver to the Commissioner of Social  
15 Security Administration and the United States Attorney's Office at their  
16 designated email addresses, a notice of electronic filing of this action along with  
17 the summons and complaint.

18 IT IS SO ORDERED.

19 Dated: August 10, 2022

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22 UNITED STATES MAGISTRATE JUDGE  
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