

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

BRIAN J. PENNINGTON,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 1:23-cv-00025-SAB

ORDER GRANTING APPLICATION TO
PROCEED *IN FORMA PAUPERIS* AND
DIRECTING CLERK OF COURT TO ISSUE
SUMMONS AND SERVE DEFENDANT
UNDER E-SERVICE PROGRAM

(ECF No. 4)

Plaintiff Brian J. Pennington ("Plaintiff") filed a complaint on January 4, 2023, challenging a final decision of the Commissioner of Social Security denying an application for disability benefits. (ECF No. 1.) 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 directed Plaintiff to file a long form application to proceed *in forma pauperis*, which Plaintiff filed on January 16, 2023. (ECF Nos. 3, 4.) The Court finds Plaintiff's application demonstrates entitlement to proceed without prepayment of fees.

Therefore, the Court shall order that the complaint in this action be served, pursuant to paragraph 1 of the scheduling order to be issued in this action, which provides that service of the Defendant shall proceed under the Court's E-service program.

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Accordingly, IT IS HEREBY ORDERED THAT:

1. Plaintiff's application to proceed *in forma pauperis* (ECF No. 4) is GRANTED;
2. The Clerk of the Court is DIRECTED to issue a summons and new case documents; and
3. The Clerk of the Court is DIRECTED to deliver to the Commissioner of Social Security Administration and the United States Attorney's Office at their designated email addresses, a notice of electronic filing of this action along with the summons and complaint.

IT IS SO ORDERED.

Dated: January 17, 2023


UNITED STATES MAGISTRATE JUDGE