

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

AIDA HERMOSILLO,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 1:23-cv-01467-NODJ-SAB

ORDER WITHDRAWING FINDINGS AND RECOMMENDATIONS; DENYING APPLICATION TO PROCEED *IN FORMA PAUPERIS* AS MOOT; AND DIRECTING CLERK OF THE COURT TO ISSUE SUMMONS, NEW CASE DOCUMENTS, AND SERVE DEFENDANT UNDER E-SERVICE PROGRAM

(ECF Nos. 9, 11)

Plaintiff Aida Hermosillo, on behalf of minor, V.M. (“Plaintiff”),<sup>1</sup> filed a complaint on October 12, 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.) On October 16, 2023, the Court denied the application without prejudice and ordered Plaintiff to file a long form application. (ECF No. 4.) On November 3, 2023, Plaintiff filed a long form application. (ECF No. 5.) Finding Plaintiff failed to provide the Court with complete and accurate information regarding her household income and expenses, the Court

---

<sup>1</sup> For purposes of the application to proceed *in forma pauperis*, the Court refers to the primary applicant Aida Hermosillo as Plaintiff.

1 ordered Plaintiff to file a revised long form application on November 6, 2023. (ECF No. 6.) On  
2 November 22, 2023, Plaintiff filed a revised long form application. (ECF No. 9.) On November  
3 27, 2023, the Court issued findings and recommendations recommending that Plaintiff's  
4 application to proceed *in forma pauperis* be denied. (ECF No. 11.)

5 On December 1, 2023, Plaintiff paid the filing fee. Based on the payment of the filing  
6 fee, the Court shall withdraw the pending findings and recommendations. Further, the Clerk of  
7 the Court will be directed to issue a summons and new case documents in this action, and to  
8 serve the complaint pursuant to paragraph 1 of the scheduling order to be issued in this action,  
9 which provides that service on the Defendant shall proceed under the Court's e-service program.

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. The findings and recommendations issued on November 26, 2023 (ECF No. 11),  
12 is WITHDRAWN;
- 13 2. The application to proceed *in forma pauperis* filed on November 22, 2023 (ECF  
14 No. 9), is DENIED as moot;
- 15 3. The Clerk of the Court is DIRECTED to issue a summons and new case  
16 documents; and
- 17 4. The Clerk of the Court is DIRECTED to deliver to the Commissioner of Social  
18 Security Administration and the United States Attorney's Office at their  
19 designated email addresses, a notice of electronic filing of this action along with  
20 the summons and complaint.

21 IT IS SO ORDERED.

22 Dated: December 4, 2023

23   
24 \_\_\_\_\_  
25 UNITED STATES MAGISTRATE JUDGE  
26  
27  
28