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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KIMBERLY MARGARET JIMENEZ,

Case No. 1:24-cv-00682-SKO

Plaintiff,

**ORDER TO SHOW CAUSE WHY
PLAINTIFF’S SOCIAL SECURITY
COMPLAINT IS NOT BARRED**

v.

21-DAY DEADLINE

MARTIN O’MALLEY,
Commissioner of Social Security

Defendant.

_____ /

On December 22, 2020, Plaintiff Kimberly Margaret Jimenez (“Plaintiff”) filed a complaint under 42 U.S.C. § 1383(c). *Jimenez v. Kijakazi*, Case No. 1:20-cv-01808-ADA-GSA (“*Jimenez I*”). That action sought judicial review of a final decision of the Commissioner of Social Security (the “Commissioner” or “Defendant”) dated May 28, 2020, denying her application for Supplemental Security Income under the Social Security Act (the “Act”). *Id.* at Doc. 1.

The assigned Magistrate Judge entered findings and recommendations recommending entry of judgment in favor of Defendant against Plaintiff, affirming the final decision of the Commissioner. *Jimenez I* at Doc. 24. No objections to the findings and recommendations were filed. On October 18, 2023, the assigned District Judge adopted the findings and recommendations, and judgment was entered in favor of the Commissioner. *Id.* at Docs. 25 & 26.

On June 11, 2024, Plaintiff Kimberly Margaret Jimenez (“Plaintiff”) filed this action under 42 U.S.C. §§ 405(g) and 1383(c) seeking judicial review of a final decision of the Commissioner

1 denying her applications for disability insurance benefits and Supplemental Security Income under
2 the Act. Plaintiff’s complaint states that it is an “appeal from a final administrative decision denying
3 [P]laintiff’s claim” and references a “Notice of Appeals Council dated April 22, 2024.” (Doc. 1 at
4 2.)

5 Plaintiff filed her motion for summary judgment on September 9, 2024. (Doc. 15.) However,
6 the motion does not mention the final administrative decision dated April 22, 2024, and instead is
7 directed to the decision finalized on May 28, 2020—the decision that was previously adjudicated in
8 *Jimenez I.* (See *id.* at 7.) In fact, Plaintiff’s motion makes the same arguments that were considered,
9 and rejected, in *Jimenez I.* (Compare Doc. 15 with *Jimenez I* at Docs. 21, 24.)

10 Accordingly, **within twenty-one days of the date of this Order**, Plaintiff is ORDERED to
11 file a brief of no more than ten pages explaining why this action is not barred by the doctrines of *res*
12 *judicata* and collateral estoppel, see *Mathews v. Chater*, 173 F.3d 861 (9th Cir. 1999), and is not
13 otherwise untimely, see 42 U.S.C. §§ 405(g), 1383(c)(3).

14 **The Court cautions Plaintiff that, if she fails to act within twenty-one (21) days of the**
15 **date of service of this order, summary judgment in favor of Defendant will be granted** (see Doc.
16 17).

17
18 IT IS SO ORDERED.

19 Dated: **November 25, 2024**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE