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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CLAUZELL B. CHENIER,  
Plaintiff,  
v.  
DISABILITY,<sup>1</sup>  
Defendant.

No. 2:14-cv-00785-KJN

ORDER

Plaintiff has requested leave to proceed without the prepayment of fees and costs, also referred to as in forma pauperis, pursuant to 28 U.S.C. § 1915.<sup>2</sup> Plaintiff submitted the required affidavit, which demonstrates that plaintiff is unable to prepay fees and costs or give security for them. Accordingly, the request to proceed in forma pauperis is granted. See 28 U.S.C. § 1915(a).

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<sup>1</sup> Plaintiff, who is proceeding in this case without the assistance of counsel, has named “Disability” as the sole defendant in this case. Based on a liberal construction of the allegations in his complaint and the fact that plaintiff notes on the submitted civil cover sheet (ECF No. 1-1) that he is filing this case under Title XVI of the Social Security Act, it appears that plaintiff seeks judicial review of a final decision of the Commissioner of Social Security denying plaintiff’s application for Supplemental Security Income. The correct defendant for such a proceeding is the Commissioner of Social Security. See 42 U.S.C. § 405. Therefore, in the interests of justice, the undersigned will direct the Clerk of Court to substitute “Disability,” the currently-named defendant, with the Commissioner of Social Security as the sole named defendant in this action.

<sup>2</sup> This case was referred to the undersigned pursuant to Eastern District of California Local Rule 302(c)(15).

1 For the foregoing reasons, IT IS HEREBY ORDERED that:

2 1. The Clerk of Court is directed to substitute “Disability,” the currently-named  
3 defendant, with the Commissioner of Social Security as the sole named defendant in this action.

4 2. Plaintiff’s request to proceed in forma pauperis (ECF No. 2) is granted.

5 3. The Clerk of the Court is directed to serve the undersigned’s scheduling order in  
6 Social Security cases.

7 4. The Clerk of the Court is further directed to serve a copy of this order on the  
8 United States Marshal.

9 5. Within fourteen (14) days from the date of this order, plaintiff shall submit to the  
10 United States Marshal an original and five copies of the completed summons, five copies of the  
11 complaint, five copies of the scheduling order, and a completed USM-285 form, *and shall file a*  
12 *statement with the court that such documents have been submitted to the United States Marshal.*

13 6. The United States Marshal is directed to serve all process without prepayment of  
14 costs not later than sixty (60) days from the date of this order. Service of process shall be  
15 completed by delivering a copy of the summons, complaint, and scheduling order to the United  
16 States Attorney for the Eastern District of California, and by sending two copies of the summons,  
17 complaint, and scheduling order by registered or certified mail to the Attorney General of the  
18 United States at Washington, D.C. See Fed. R. Civ. P. 4(i)(1)(A) & (B). The Marshal shall also  
19 send a copy of the summons, complaint, and scheduling order by registered or certified mail to  
20 the Commissioner of Social Security, c/o Office of General Counsel, Region IX, 160 Spear  
21 Street, Suite 800, San Francisco, CA, 94105-1545. See Fed. R. Civ. P. 4(i)(2). *The United States*  
22 *Marshal shall thereafter file a statement with the court that such documents have been served.*

23 7. Plaintiff is advised of Local Rule 110, which provides: “Failure of counsel or of a  
24 party to comply with [the court’s Local] Rules or with any order of the Court may be grounds for  
25 imposition by the Court of any and all sanctions authorized by statute or Rule or within the  
26 inherent power of the Court.”

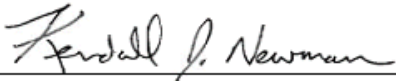
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IT IS SO ORDERED.

Dated: March 31, 2014

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE