1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 KAMECA T. JORDAN, No. 2:14-cv-02992-AC 12 Plaintiff. 13 v. **ORDER** 14 CAROLYN W. COLVIN, Acting Commissioner of Social Security, 15 Defendant. 16 17 On December 30, 2014, defendant the Commissioner of Social Security 18 19 ("Commissioner") filed a notice of removal, asserting jurisdiction based on 28 U.S.C. §§ 1441 & 20 1442. ECF No. 1. The Commissioner's notice states that plaintiff's complaint can best be 21 understood as an appeal from a denial of social security benefits along with a tort claim. ECF No. 22 1 at 2. However, the court finds that plaintiff's complaint contains insufficient information to 23 support construction as either an appeal or a claim for tort damages. Plaintiff's complaint names 24 "the Commissioner of Social Security" as defendant and asserts \$10,000 in damages for "pain and 25 suffering" and "back pay." ECF No. 1-1 at 2. Based on these allegations the court cannot discern 26 what type of claim plaintiff is attempting to assert (i.e. tort, appeal, etc.), much less find that 27 plaintiff has stated a cognizable claim for relief. See Bell Atl. Corp. v. Twombly, 550 U.S. 544, 28 555–56 (2007). Accordingly, the court HEREBY ORDERS that: 1

1	1. The court's December 30, 2014, scheduling order is vacated; and
2	2. Plaintiff must submit an amended complaint within thirty (30) days of the service of
3	this order that states a claim for relief and complies with the requirements of the Federal Rules of
4	Civil Procedure and the Local Rules of Practice. The amended complaint must bear the docket
5	number assigned this case and must be labeled "First Amended Complaint." If plaintiff seeks
6	judicial review of a final decision of the Commissioner of Social Security ("Commissioner")
7	denying an application for a period of disability and disability insurance benefits ("DIB") under
8	Title II of the Social Security Act ("the Act") and/or Supplemental Security Income ("SSI") under
9	Title XVI of the Act, she shall so specify.
10	DATED: December 30, 2014
11	ALLISON CLAIRE
12	UNITED STATES MAGISTRATE JUDGE
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