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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ELIDIA M. DUARTE,
Plaintiff,

v.

ANDREW SAUL,
Defendant.

Case No. [20-cv-00151-JCS](#)
Also Filed in Case No. 16-cv-07142-EMC

**ORDER GRANTING APPLICATION
TO PROCEED IN FORMA PAUPERIS**

**SUA SPONTE REFERALL TO
DETERMINE WHETHER CASES ARE
RELATED**

Plaintiff Elidia M. Duarte, pro se, brings this action alleging that Defendant Andrew Saul, Commissioner of Social Security, (the “Commissioner”) violated Duarte’s rights under the First and Fifth Amendments to the United States Constitution, as well as federal statutes including the Administrative Procedures Act, in failing to provide sufficient process for Duarte’s challenge to adverse decisions regarding unpaid or purportedly overpaid social security benefits.

Duarte has filed an application for leave to proceed in forma pauperis. Good cause having been shown, that application is GRANTED. Issued of service of process and the sufficiency of the complaint under 28 U.S.C. § 1915(e)(2)(B) will be determined separately.

Duarte filed a previous case against an earlier Commissioner, Carolyn Colvin, raising similar claims. That case was assigned to the Honorable Edward Chen, who dismissed Duarte’s claims for lack of jurisdiction, holding that Duarte had failed to obtain a final decision from the Commissioner before filing a judicial action. *See Duarte v. Colvin*, No. 16-cv-07142-EMC, ECF Doc. No. 24 (N.D. Cal. Jan. 13, 2017). According to Duarte’s complaint, further administrative proceedings have occurred since that order, but it is not clear whether Duarte has obtained a final decision from the Commissioner.

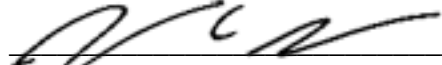
This case is REFERRED to Judge Chen to determine whether it is related to case number

1 16-cv-07142 pursuant to Civil Local Rule 3-12(c). Duarte may file a response to this order
2 supporting or opposing finding the cases related no later than February 14, 2020. *See* Civ. L.R.
3 3-12(c), 3-12(e), 7-11(b).

4 Duarte, who is not represented by counsel, is encouraged to consult with the Federal Pro
5 Bono Project’s Legal Help Center in either of the Oakland or San Francisco federal courthouses
6 for assistance. The San Francisco Legal Help Center office is located in Room 2796 on the 15th
7 floor at 450 Golden Gate Avenue, San Francisco, CA 94102. The Oakland office is located in
8 Room 470-S on the 4th floor at 1301 Clay Street, Oakland, CA 94612. Appointments can be
9 made by calling (415) 782-8982 or signing up in the appointment book located outside either
10 office. Lawyers at the Legal Help Center can provide basic assistance to parties representing
11 themselves but cannot provide legal representation

12 **IT IS SO ORDERED.**

13 Dated: February 10, 2020

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16 JOSEPH C. SPERO
17 Chief Magistrate Judge
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