

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
SOUTHERN DISTRICT OF CALIFORNIA**

LEANDRA MICHELLE GREEN,

vs.

HAROLD S. ROBERT JR.,

Plaintiff,

Defendant.

CASE NO. 09-CV-2760-IEG (AJB)
**ORDER DENYING PLAINTIFF’S
MOTION TO REOPEN CASE**

[Doc. No. 12]

Presently before the Court is Plaintiff Leandra Michelle Green’s (“Plaintiff”) Motion to Reopen Case. (Doc. No. 12.) For the reasons stated herein, the Court denies the motion.

On December 10, 2009, Plaintiff proceeding *pro se* filed a Complaint against Defendant Harold S. Roberts, Jr. (Doc. No. 1.) On December 17, 2009, the Court issued an Order granting Plaintiff’s Motion to Proceed *In Forma Pauperis* and dismissing Plaintiff’s complaint with leave to amend because it failed to state a cognizable claim and was frivolous to the extent it lacked an arguable basis in law or fact. (Doc. No. 4.) Plaintiff appealed the Court’s Order. (Doc. No. 7.) The Ninth Circuit dismissed the appeal due to lack of jurisdiction, because the Order dismissing Plaintiff’s Complaint with leave to amend was not appealable. (Doc. No. 10.)

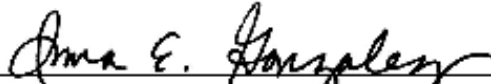
Plaintiff now requests that the Court reopen her case. The Court reiterates its statements from the Order dismissing Plaintiff’s Complaint. The only relief Plaintiff seeks in her Complaint is the production of Defendant’s address by the Social Security Administration (“SSA”) so that she

1 may serve him with a complaint in small claims court. (Doc. No. 1.) Thus, the proper defendant
2 in this case appears to be the SSA. However, suits against federal agencies such as the SSA are
3 generally barred by the doctrine of sovereign immunity, absent a waiver of sovereign immunity.
4 The Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, however, waives sovereign immunity
5 and permits plaintiffs seeking government-held information to file requests pursuant to the act.
6 The FOIA rules and regulations issued by the SSA - which describe how to make a FOIA request,
7 how to appeal a decision denying a request, and when the district court can review a denial - can
8 be found at 20 C.F.R. §§ 402.5-402.205.

9 Accordingly, the Court DENIES Plaintiff’s motion to reopen the case.

10 **IT IS SO ORDERED.**

11
12 **DATED: March 30, 2010**

13 
14 **IRMA E. GONZALEZ, Chief Judge**
15 **United States District Court**