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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
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11 PARKER D.,

12 Plaintiff,

13 v.

14 ANDREW SAUL, Commissioner of  
15 Social Security,

16 Defendant.  
17

Case No.: 3:19-cv-01818-AHG

**ORDER:**

**(1) DENYING MOTION FOR LEAVE  
TO PROCEED IN FORMA  
PAUPERIS; and**

**(2) GRANTING LEAVE TO AMEND**

**[ECF NO. 2]**

18  
19 Plaintiff filed his Complaint in this matter on September 20, 2019, seeking judicial  
20 review of the Commissioner of Social Security's final decision denying his application for  
21 disability insurance benefits. ECF No. 1. Along with the Complaint, Plaintiff filed a Motion  
22 for Leave to Proceed *in forma pauperis* ("IFP") under 28 U.S.C. § 1915. ECF No. 2.

23 A motion to proceed IFP presents two issues for the Court's consideration. First, the  
24 Court must determine whether the applicant has properly shown an inability to pay the  
25 \$400 filing fee under 28 U.S.C. § 1915(a). *See Rodriguez v. Cook*, 169 F.3d 1176, 1177  
26 (9th Cir. 1999). To that end, each applicant seeking to proceed IFP must provide the Court  
27 a signed affidavit including a statement of all the applicant's assets. CivLR 3.2(a). Second,  
28 pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), the Court must evaluate whether the Complaint

1 sufficiently states a claim upon which relief may be granted before the Complaint is served.  
2 *See Lopez v. Smith*, 203 F.3d 1122, 1127 (9th Cir. 2000) (“1915(e) not only permits but  
3 requires a district court to dismiss an in forma pauperis complaint that fails to state a  
4 claim.”).

5 Plaintiff’s sworn statement of his assets shows that he receives only \$196 per month  
6 in general public assistance, owns no assets and receives no other income, and that his  
7 average monthly expenses exceed his income. ECF No. 2. The Court finds Plaintiff has  
8 thus shown an inability to pay the filing fee under § 1915(a).

9 However, Plaintiff does not sufficiently state a claim for relief. Section  
10 1915(e)(2)(B) requires the Court to screen complaints filed by IFP applicants and to  
11 dismiss the case at any time if the Court determines the complaint fails to state a claim on  
12 which relief may be granted. 28 U.S.C. § 1915(e)(2)(B)(ii). Although the language of the  
13 statute refers to IFP actions brought by prisoners, “the provisions of  
14 28 U.S.C. § 1915(e)(2)(B) are not limited to prisoners.” *Calhoun v. Stahl*, 254 F.3d 845,  
15 845 (9th Cir. 2001). Therefore, plaintiffs seeking to appeal a decision by the Commissioner  
16 of Social Security are not exempt from the standard Rule 8 pleading requirements. *See*  
17 *Hoagland v. Astrue*, No. 1:12-CV-00973-SMS, 2012 WL 2521753, at \*1 (E.D. Cal. June  
18 28, 2012) (“Screening is required even if the plaintiff pursues an appeal of right, such as  
19 an appeal of the Commissioner’s denial of social security disability benefits.”).

20 The Complaint states the following grounds for reversal or remand: (1) that the  
21 Commissioner denied Plaintiff’s application “despite medical evidence supplied to the  
22 Social Security Administration [and] testimony given at the hearing” showing “Plaintiff’s  
23 inability to engage in substantial gainful employment,” (2) that the Administrative Law  
24 Judge’s decision “was erroneous and unfounded” and “not supported by substantial  
25 evidence,” and (3) that the decision “is contrary to law[.]” ECF No. 1 at 3-4. These  
26 allegations amount to precisely the kind of boilerplate, conclusory statements that do not  
27 meet the federal pleading standard. Plaintiff does not explain what medical evidence or  
28 testimony conflicts with the Commissioner’s decision or otherwise explain why the

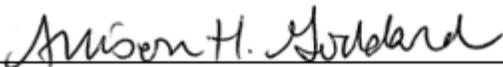
1 decision is contrary to law or unsupported by substantial evidence. “[T]he pleading  
2 standard Rule 8 announces does not require detailed factual allegations, but it demands  
3 more than an unadorned, the-defendant-unlawfully-harmed-me accusation. A pleading that  
4 offers labels and conclusions . . . will not do. Nor does a complaint suffice if it tenders  
5 naked assertions devoid of further factual enhancement.” *Ashcroft v. Iqbal*, 556 U.S. 662,  
6 678 (2009) (internal citations and quotations omitted).

7 While the Complaint vaguely states standard grounds on which Social Security  
8 benefits decisions are reversed or remanded, these grounds are “devoid of further factual  
9 enhancement” that might lend even minimal insight into the factual bases of Plaintiff’s  
10 appeal. *Id.* “Every plaintiff appealing an adverse decision of the Commissioner believes  
11 that the Commissioner was wrong. The purpose of the complaint is to briefly and plainly  
12 allege facts supporting the legal conclusion that the Commissioner’s decision was wrong.”  
13 *Hoagland*, 2012 WL 2521753, at \*3. Plaintiff’s Complaint does not meet that standard.

14 Accordingly, the Court **DENIES** the IFP motion without prejudice and **DISMISSES**  
15 the Complaint pursuant to § 1915(e)(2)(B)(ii). Plaintiff is **GRANTED LEAVE TO**  
16 **AMEND** the Complaint and file a new IFP motion by **November 1, 2019.**

17 **IT IS SO ORDERED.**

18 Dated: October 10, 2019

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Honorable Allison H. Goddard  
United States Magistrate Judge