

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

<b>JAI PRAKASH,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Civ. Action No. 13-1511 (ESH)</b>
	)	
<b>SOCIAL SECURITY</b>	)	
<b>ADMINISTRATION,</b>	)	
	)	
<b>Defendant.</b>	)	
_____	)	

**MEMORANDUM OPINION**

Plaintiff, proceeding *pro se*, seeks judicial review pursuant to 42 U.S.C. ‘ 405(g) of the denial of social security disability benefits. Defendant moves to dismiss the case as untimely filed and for improper venue. Def.’s Mot. to Dismiss [Dkt. # 5]. Plaintiff has not complied with the November 12, 2013 Order to respond to the motion by December 12, 2013 [Dkt. # 6]. For the following reasons, the Court will grant defendant’s motion and dismiss the case.

The Social Security Act requires a civil complaint to be brought “within sixty days after the mailing . . . of notice of [the Commissioner’s final decision]” and “in the district court of the United States for the judicial district in which the plaintiff resides.” 42 U.S.C. § 405(g). This venue in the District of Columbia is improper because plaintiff resides in Silver Spring, Maryland, and thus should have filed this case in the United States District Court for the District of Maryland. In addition, the Appeals Council’s decision, which informed plaintiff about filing a civil action, is dated April 18, 2013, and is presumed to have been mailed to plaintiff on that date. *See* Not. of Appeals Council Action [Dkt. # 5-1, ECF pp. 21-23]. Plaintiff lodged his Complaint, along with an application to proceed *in forma pauperis*, with the Clerk of this Court

on the “received” date of September 6, 2013, well beyond the 60-day limitations period. Hence, the Court will grant defendant’s motion to dismiss the complaint as untimely and as brought in the wrong court. A separate Order accompanies this Memorandum Opinion.

DATE: December 20, 2013

\_\_\_\_\_/s/\_\_\_\_\_  
ELLEN SEGAL HUVELLE  
United States District Judge