

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

TODD M. JACK,

Petitioner,

v.

Case No: 2:18-cv-232-FtM-38MRM

COMMISSIONER OF SOCIAL
SECURITY,

Respondent.

ORDER¹

This matter comes before the Court on *sua sponte* review Petitioner Todd M. Jack's Petition for the Continuance of the Complaint to Implement USA Federal Court Rule 62 filed on April 9, 2018. ([Doc. 1](#)). Jack, appearing *pro se*, also moves to proceed *in forma pauperis*. ([Doc. 2](#)).

Over three years ago, Jack sought judicial review of the Commissioner of the Social Security Administration's final decision to deny his claim for disability and disability insurance benefits. See [Jack v. Comm'r of Soc. Sec., No. 2:14-cv-723-FtM-38MRM \(M.D. Fla. Dec. 16, 2014\)](#). Jack won the case because this Court reversed and remanded the Commissioner's decision for reconsideration of his impairments.² For whatever

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² The Court remanded for the Commissioner to decide if Jack had a medically determinable impairment that is severe or a combination of impairments that are severe, and to continue in the sequential evaluation. It did not, however, order the Commissioner to award Jack disability and/or disability insurance benefits.

reason, Jack appealed the Court's decision. The Eleventh Circuit affirmed and issued a Mandate about one year ago.

As the best the Court can tell, Jack brings this new suit to enforce the Eleventh Circuit's decision. He twice tried seeking relief before the Eleventh Circuit. But the appellate court returned his filings because it closed his appeal. Being unsuccessful there, Jack has turned to this Court for the same relief. He did so by filing a new case. A new case, however, is unnecessary when he is seeking relief on judgments entered in the underlying suit. In other words, the relief he seeks belongs in the originally filed case and does not stand as an independent action. The Court thus dismisses the Petition ([Doc. 1](#)) and denies as moot the motion for *in forma pauperis* ([Doc. 2](#)).

Accordingly, it is now **ORDERED**:

- (1) Petitioner Todd M. Jack's Petition for the Continuance of the Complaint to Implement USA Federal Court Rule 62 is **DISMISSED**.
- (2) Jack's Affidavit of Indigency ([Doc. 2](#)), which the Court construes as a motion to proceed *in forma pauperis*, is **DENIED as moot**.
- (3) The Clerk is **DIRECTED** to file Jack's Petition for the Continuance of the Complaint to Implement USA Federal Court Rule 62 as a pending motion in *Jack v. Commissioner of Social Security*, No. 2:14-cv-723-FtM-38MRM.
- (4) The Clerk is **DIRECTED** to close the file.

DONE and **ORDERED** in Fort Myers, Florida this 11th day of April 2018.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record