

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  
DISTRICT OF NEVADA**

DARRELL E. KELLY,  	)	
Plaintiff,  	)	Case No. 2:17-cv-02432-RFB-GWF
vs.	)	<b><u>ORDER</u></b>
NANCY A. BERRYHILL, Acting Commissioner of Social Security,  	)	
Defendant.	)	

---

This matter is before the Court on the screening of Plaintiff’s Amended Complaint (ECF No. 4), filed on October 16, 2017.

**BACKGROUND**

Plaintiff alleges a claim against the Social Security Administration (SSA), challenging its denial of social security disability benefits. Plaintiff alleges that at all times relevant to this action, he was disabled as defined by the Social Security Act. Plaintiff claims that the Social Security Commissioner, initially and upon reconsideration, denied his requests for disability insurance benefits and supplemental security income. Plaintiff now seeks judicial review of the unfavorable disability determination of the Administrative Law Judge dated June 24, 2016, which became a final agency decision once the Appeals Council denied his request for review on July 17, 2017.

**DISCUSSION**

**I. Screening the Complaint**

Plaintiff asks this Court to review his social security application and the ALJ’s unfavorable decision. Plaintiff argues that the ALJ did not consider all of his medical conditions in combination and the failure to do so warrants reversal. A disagreement with the Social Security Administration’s

1 (“SSA”) final decision may be grounds for this Court to review the case. Federal courts only have  
2 jurisdiction to conduct judicial review of the SSA’s final decisions. *See* 42 U.S.C. § 405(g); *see also*  
3 *Pacific Coast Medical Enterprises v. Harris*, 633 F.2d 123, 137 (9th Cir. 1980). Plaintiff appears to  
4 have fully exhausted his administrative remedies with the SSA. The Court will therefore allow  
5 Plaintiff’s complaint to proceed as a petition for judicial review of a final agency decision.  
6 Accordingly,

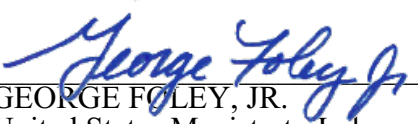
7 **IT IS HEREBY ORDERED** that the Clerk of the Court shall serve the Commissioner of  
8 the Social Security Administration by sending a copy of summons and Amended Complaint by  
9 certified mail to: (1) Office of the Regional Chief Counsel, Region IX, Social Security  
10 Administration, 160 Spear Street, Suite 899, San Francisco, California 94105, and (2) the Attorney  
11 General of the United States, Department of Justice, 950 Pennsylvania Ave. NW, Washington DC  
12 20530.

13 **IT IS FURTHER ORDERED** that the Clerk of the Court shall issue summons to the  
14 United States Attorney for the District of Nevada, and deliver the summons and Amended  
15 Complaint to the U.S. Marshal for service.

16 **IT IS FURTHER ORDERED** that Defendant shall have **sixty (60) days** from the date of  
17 service to file her answer or responsive pleading to Plaintiff’s Amended Complaint in this case.

18 **IT IS FURTHER ORDERED** that henceforth, Plaintiff shall serve upon Defendant, or her  
19 attorney if she has retained one, a copy of every pleading, motion, or other document submitted for  
20 consideration by the court. Plaintiff shall include with the original paper submitted for filing a  
21 certificate stating the date that a true and correct copy of the document was mailed to Defendant or  
22 her counsel. The court may disregard any paper received by a district judge, magistrate judge, or the  
23 Clerk which fails to include a certificate of service.

24 DATED this 21st day of March, 2018.

25  
26   
27 GEORGE FOLEY, JR.  
28 United States Magistrate Judge