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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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STEPHANIE GORDON,

Plaintiff(s),

v.

NANCY A. BERRYHILL,

Defendant(s).

Case No. 2:18-CV-492 JCM (EJY)

ORDER

Presently before the court is the matter of Gordon v. Berryhill, case number 2:18-cv-00492-JCM-EJY. On March 21, 2018, Magistrate Judge Foley screened pro se plaintiff Stephanie Gordon's ("plaintiff") complaint and dismissed her case because "[s]imply put, the complaint fails to detail whether Plaintiff received an unfavorable decision from the SSA and whether she fully exhausted her administrative remedies prior to filing her instant complaint." (ECF No. 3).

Magistrate Judge Foley instructed plaintiff to file an amended complaint by April 11, 2018. *Id.* Plaintiff did not file an amended complaint by the deadline. Magistrate Judge Foley then ordered defendant to file an amended complaint no later than November 26, 2018. (ECF No. 7). Plaintiff did not file an amended complaint by the deadline.

On May 29, 2019, Magistrate Judge Foley ordered plaintiff to show cause why this matter should not be dismissed. (ECF No. 9). Magistrate Judge Foley specifically admonished plaintiff that "[f]ailure to timely respond to this [o]rder to [s]how [c]ause shall result in a recommendation to the district judge that this case be dismissed." *Id.*

Rather than respond to the order to show cause or file an amended complaint, plaintiff filed a motion for expedited hearing on June 20, 2019, which remains pending. (ECF No. 10).

1 Then, on July 5, plaintiff responded to the order to show cause. (ECF No. 11). On July 12,  
2 2019, Magistrate Judge Foley ordered plaintiff to file her amended complaint by August 16,  
3 2019. (ECF No. 12). Finally, on August 1, 2019, plaintiff filed what she captioned an “amended  
4 complaint.” (ECF No. 13).

5 Plaintiff’s “amended complaint” states as follows:

6 Received yet ANOTHER notice to amend my complaint. Half of  
7 line 22 isn’t there, and 23 through 28, with the exception of 3  
8 periods on each line, are blank. What’s the clue? But yet the court  
9 has refused to grant me any relief 2:19-cv-01046-GMN-GWF. In  
10 a prior filing it clearly shows the criminality of ALJ Jenkins and  
11 yet this court repeatedly refuses to hear my case. I didn’t get a fair  
12 hearing there and I’m not getting one here. If you can’t do what  
13 you took an oath to do, recuse yourself and move on. I can show I  
14 AM entitled to benefits and have been. I will commence legal  
15 action against Jenkins here shortly, and Shelley Hendren the NV  
16 Administrator.

12 Id. at 1. The complaint then attaches a variety of exhibits without explanation. Id.

13 To date, plaintiff has failed to correct the deficiencies in her original complaint. Plaintiff  
14 was cautioned that, if she elected to proceed in this action by filing an amended complaint, “the  
15 court cannot refer to a prior pleading in order to make her amended complaint complete. Local  
16 Rule 15–1 requires that an amended complaint be complete in itself without reference to any  
17 prior pleading.” (ECF No. 3 at 3).

18 Rather than indicate whether she received an unfavorable decision from the SSA or  
19 whether she fully exhausted her administrative remedies prior to filing her amended complaint,  
20 plaintiff continues to allege “the criminality of ALJ Jenkins” and insist that she did not (and is  
21 not) getting a fair hearing. (ECF No. 13). As a result, plaintiff’s amended complaint—like her  
22 original complaint—fails to state a claim upon which relief can be granted. Consequently,  
23 plaintiff’s claims are hereby dismissed with prejudice.

24 Accordingly,

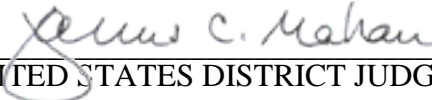
25 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that plaintiff’s claims be, and  
26 the same hereby are, DISMISSED with prejudice.

27 IT IS FURTHER ORDERED that plaintiff’s motion for expedited hearing be, and the  
28 same hereby is, DISMISSED as moot.

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The clerk is instructed to close the case accordingly.

DATED November 15, 2019.

  
UNITED STATES DISTRICT JUDGE