

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 * * *

4 ALICIA CHAPMAN,

Case No. 2:20-cv-01858-EJY

5 Plaintiff,

6 v.

ORDER7 ANDREW SAUL, Commissioner of Social
8 Security,

9 Defendant.

10 Before the Court is Plaintiff Alicia Chapman's Amended Complaint. ECF No. 6.

11 On October 7, 2020, this Court granted Plaintiff's Application to Proceed *in forma pauperis*
12 (ECF No. 1), and dismissed Plaintiff's Complaint (ECF No. 2) without prejudice with leave to
13 amend. ECF No. 5.14 As stated in the prior Order, a plaintiff must satisfy the following procedural requirements in
15 order to file a complaint in a Social Security appeal before a federal district court: (1) the plaintiff
16 must establish that she has exhausted her administrative remedies pursuant to 42 U.S.C. § 405(g),
17 and that the civil action was commenced within sixty days after notice of a final decision; (2) the
18 complaint must indicate the judicial district in which the plaintiff resides; (3) the complaint must
19 state the nature of the plaintiff's disability and when the plaintiff claims she became disabled; and,
20 (4) the complaint must contain a plain, short, and concise statement identifying the nature of the
21 plaintiff's disagreement with the determination made by the Social Security Administration and
22 show that the plaintiff is entitled to relief. *Montoya v. Colvin*, Case No. 2:16-cv-00454-RFB-NJK,
23 2016 WL 890922, at *2 (D. Nev. Mar. 8, 2016) (internal citations omitted).24 Plaintiff's Amended Complaint represents that she has exhausted her administrative
25 remedies and timely commenced this action after the Social Security Administration's Appeal
26 Council denied her request for review. ECF No. 6 ¶ 4-5. The Amended Complaint further indicates
27 the judicial district within which Plaintiff resides. *Id.* ¶ 1. Plaintiff also alleges that she has been
28 disabled since August 1, 2015. *Id.* ¶ 7. Finally, Plaintiff's Amended Complaint contends the ALJ

1 committed reversible error by relying on the vocational expert testimony without first reconciling
2 the “frequent” reaching Plaintiff’s past relevant work requires with the “occasional” reaching the
3 ALJ opined Plaintiff could perform. *Id.* ¶ 8-10. Plaintiff’s Amended Complaint shall therefore
4 proceed against Defendant.

5 Accordingly,

6 IT IS HEREBY ORDERED that Plaintiff’s Amended Complaint (ECF No. 6) **shall** proceed
7 against Defendant.

8 IT IS FURTHER ORDERED that the Clerk of the Court **shall** file Plaintiff’s Amended
9 Complaint (ECF No. 6).

10 IT IS FURTHER ORDERED that the Clerk of the Court **shall** serve the Commissioner of
11 the Social Security Administration by sending a copy of the Summons and Amended Complaint by
12 certified mail to: (1) Office of the Regional Chief Counsel, Region IX, Social Security
13 Administration, 160 Spear Street, Suite 800, San Francisco, CA 94105, and (2) the Attorney General
14 of the United States, Department of Justice, 950 Pennsylvania Ave. NW, Washington DC 20530.

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

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

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

26 Dated this 13th day of October, 2020.

27 
28 ELAYNA J. YOUCHAH
UNITED STATES MAGISTRATE JUDGE