

1  
2  
3  
4  
5 **UNITED STATES DISTRICT COURT**  
6 **DISTRICT OF NEVADA**  
7

8 CHARLES EDWARD JOHNSON, JR.,

Case No. 2:21-cv-01036-NJK

9 Plaintiff(s),

**Order**

10 v.

[Docket No. 1]

11 ANDREW SAUL,

12 Defendant(s).

13 Plaintiff has requested authority pursuant to 28 U.S.C. § 1915 to proceed *in forma pauperis*  
14 (Docket No. 1), and has submitted a Complaint (Docket No. 1-1).

15 **I. Application to Proceed *In Forma Pauperis***

16 Plaintiff filed an application to proceed *in forma pauperis*. Docket No. 1. The application  
17 has sufficiently shown an inability to prepay fees and costs or give security for them. Accordingly,  
18 the application to proceed *in forma pauperis* will be granted pursuant to § 1915. The Court will  
19 now review Plaintiff's complaint.

20 **II. Screening the Complaint**

21 When a party seeks permission to pursue a civil case *in forma pauperis*, courts will screen  
22 the complaint. *See* 28 U.S.C. § 1915(e). With respect to social security appeals specifically, judges  
23 in this District have outlined some basic requirements for complaints to satisfy the Court's  
24 screening. First, the complaint must establish that administrative remedies were exhausted  
25 pursuant to 42 U.S.C. § 405(g), and that the civil action was commenced within 60 days after  
26 notice of a final decision. Second, the complaint must indicate the judicial district in which the  
27 plaintiff resides. Third, the complaint must state the nature of the plaintiff's disability and when  
28 the plaintiff claims to have become disabled. Fourth, the complaint must contain a plain, short,

1 and concise statement identifying the nature of the plaintiff's disagreement with the determination  
2 made by the Social Security Administration and show that the plaintiff is entitled to relief. *See*,  
3 *e.g.*, *Graves v. Colvin*, 2015 WL 357121, \*2 (D. Nev. Jan. 26, 2015) (collecting cases).

4 The Court has reviewed the complaint, and finds these elements satisfied in this case.

### 5 **III. Conclusion**

6 Accordingly, the Court hereby **ORDERS** as follows:

- 7 1. Plaintiff's request to proceed *in forma pauperis* is **GRANTED** with the caveat that the  
8 fees shall be paid if recovery is made. At this time, Plaintiff shall not be required to  
9 pre-pay the filing fee.
- 10 2. Plaintiff is permitted to maintain this action to conclusion without the necessity of  
11 prepayment of any additional fees or costs or the giving of a security therefor. The  
12 Order granting leave to proceed *in forma pauperis* shall not extend to the issuance of  
13 subpoenas at government expense.
- 14 3. The Clerk of Court shall file the Complaint.
- 15 4. The Clerk of Court shall serve the Commissioner of the Social Security Administration  
16 by sending a copy of the summons and Complaint by certified mail to: (1) Office of  
17 Regional Chief Counsel, Region IX, Social Security Administration, 160 Spear St.,  
18 Suite 899, San Francisco, California 94105-1545; and (2) the Attorney General of the  
19 United States, Department of Justice, 950 Pennsylvania Avenue, N.W., Room 4400,  
20 Washington, D.C. 20530.
- 21 5. The Clerk of Court shall issue summons to the United States Attorney for the District  
22 of Nevada and deliver the summons and Complaint to the U.S. Marshal for service.
- 23 6. From this point forward, Plaintiff shall serve upon Defendant or, if appearance has been  
24 entered by counsel, upon the attorney, a copy of every pleading, motion or other  
25 document submitted for consideration by the court. Plaintiff shall include with the  
26 original paper submitted for filing a certificate stating the date that a true and correct  
27 copy of the document was personally served or sent by mail to the defendants or  
28 counsel for the defendants. The Court may disregard any paper received by a district

1 judge or magistrate judge which has not been filed with the Clerk, and any paper  
2 received by a district judge, magistrate judge or the Clerk which fails to include a  
3 certificate of service.

4 IT IS SO ORDERED.

5 Dated: June 3, 2021

6   
7 \_\_\_\_\_  
8 Nancy J. Koppe  
9 United States Magistrate Judge  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28