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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 JOSEPH HAROLD MUECK AVALON,

10 Plaintiff,

11 v.

12 COMMISSIONER OF SOCIAL SECURITY,

13 Defendant.

Case No. 2:21-cv-02051-NJK

Order

[Docket No. 5]

14 The Court previously granted Plaintiff 's application to proceed *in forma pauperis* and
15 dismissed Plaintiff's complaint with leave to amend. Docket No. 4. Plaintiff has now filed an
16 amended complaint. Docket No. 5. Therefore, the Court will screen the amended complaint
17 pursuant to 28 U.S.C. § 1915(e)

18 With respect to social security appeals specifically, judges in this District have outlined
19 some basic requirements for complaints to satisfy the Court's screening. First, the complaint must
20 establish that administrative remedies were exhausted pursuant to 42 U.S.C. § 405(g), and that the
21 civil action was commenced within 60 days after notice of a final decision. Second, the complaint
22 must indicate the judicial district in which the plaintiff resides. Third, the complaint must state the
23 nature of the plaintiff's disability and when the plaintiff claims to have become disabled. Fourth,
24 the complaint must contain a plain, short, and concise statement identifying the nature of the
25 plaintiff's disagreement with the determination made by the Social Security Administration and
26 show that the plaintiff is entitled to relief. *See, e.g., Graves v. Colvin*, 2015 WL 357121, *2 (D.
27 Nev. Jan. 26, 2015) (collecting cases).

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

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

- 2 1. The Clerk of Court shall serve the Commissioner of the Social Security Administration
3 by sending a copy of the summons and Complaint by certified mail to: (1) Office of
4 Regional Chief Counsel, Region IX, Social Security Administration, 160 Spear St.,
5 Suite 899, San Francisco, California 94105-1545; and (2) the Attorney General of the
6 United States, Department of Justice, 950 Pennsylvania Avenue, N.W., Room 4400,
7 Washington, D.C. 20530.
- 8 2. The Clerk of Court shall issue summons to the United States Attorney for the District
9 of Nevada and deliver the summons and Complaint to the U.S. Marshal for service.
- 10 3. From this point forward, Plaintiff shall serve upon Defendant or, if appearance has been
11 entered by counsel, upon the attorney, a copy of every pleading, motion or other
12 document submitted for consideration by the court. Plaintiff shall include with the
13 original paper submitted for filing a certificate stating the date that a true and correct
14 copy of the document was personally served or sent by mail to the defendants or
15 counsel for the defendants. The Court may disregard any paper received by a district
16 judge or magistrate judge which has not been filed with the Clerk, and any paper
17 received by a district judge, magistrate judge or the Clerk which fails to include a
18 certificate of service.

19 IT IS SO ORDERED.

20 Dated: November 18, 2021

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23 Nancy J. Koppe
24 United States Magistrate Judge
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