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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MARK ALAN LINGENFELTER,

Plaintiff,

v.

CAROLYN COLVIN,
Acting Commissioner,
Social Security Administration,

Defendant.

Case No. 3:14-CV-0202-MMD (VPC)

ORDER

Before the court is plaintiff's application to proceed *in forma pauperis* (#1) filed on April 15, 2014.

I. Application to Proceed In Forma Pauperis

Plaintiff filed this action and attached a financial affidavit to his application and complaint as required by 28 U.S.C. § 1915(a). In reviewing plaintiff's financial affidavit pursuant to 28 U.S.C. § 1915, the court finds that plaintiff unable to pre-pay the filing fee. Therefore, plaintiff's application to proceed *in forma pauperis* (#1) is **GRANTED**.

II. Complaint

Plaintiff brings suit against Carolyn Colvin, Acting Commissioner of the Social Security Administration, alleging that he was wrongfully denied social security disability benefits. Federal courts only have jurisdiction to conduct judicial review of Social Security Administration's financial decision. *See* 42 U.S.C. § 405(g); *see also Pacific Coast Medical Enterprises v. Harris*, 633 F.2d 123, 137 (9th Cir. 1980). Upon initial review of plaintiff's complaint, it appears that plaintiff fully exhausted his administrative remedies with the Social Security Administration. The court will therefore allow plaintiff's complaint to proceed as a petition for judicial review of a final agency decision. Therefore,

1 **IT IS ORDERED** that plaintiff's application to proceed *in forma pauperis* (#1) is
2 **GRANTED** with the caveat that the fees shall be paid if recovery is made. At this time, plaintiff
3 shall not be required to pre-pay the full filing fee of four hundred dollars (\$400.00).

4 **IT IS FURTHER ORDERED** that the clerk of court shall **FILE** the complaint.

5 **IT IS FURTHER ORDERED** that the clerk of court shall **SERVE** the Commissioner of
6 the Social Security Administration by sending a copy of the Summons and Complaint by
7 certified mail to: (1) the General Counsel, Social Security Administration, Room 611, Altmeyer
8 Building, 6401 Security Boulevard, Baltimore, MD 21235; (2) the Attorney General of the
9 United States, Department of Justice, 950 Pennsylvania Avenue, N.W., Washington, DC 20530;
10 and (3) Office of the Regional Chief Counsel, Region IX, Social Security Administration, 160
11 Spear Street, Suite 899, San Francisco, California 94105.

12 **IT IS FURTHER ORDERED** that the clerk of court shall **ISSUE** a summons to the
13 Social Security Administration and deliver the summons and complaint to the U.S. Marshal for
14 service on the U.S. Attorney's Office at 100 West Liberty Street, Suite 600, Reno, Nevada
15 89501.

16 **IT IS FURTHER ORDERED** that defendants shall have **sixty (60) days** from the date
17 of service to file their answer or other responsive pleading to plaintiff's complaint in this case.

18 **IT IS FURTHER ORDERED** that henceforth, plaintiff shall serve upon defendant, or
19 defendant's attorney, 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
22 or defendant's counsel. The court may disregard any paper received by a district judge,
23 magistrate judge, or clerk which fails to include a certificate of service.

24 DATED: May 19, 2014.

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27 _____
28 VALERIE P. COOKE
 UNITED STATES MAGISTRATE JUDGE