

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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DATE FILED: October 19, 2015

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JANETTE RIVERA, :  
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Plaintiff, :  
:  
-v- :  
:  
COMMISSIONER OF SOCIAL SECURITY, :  
:  
Defendants. :  
:  
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15-cv-7689 (KBF)

MEMORANDUM  
OPINION & ORDER

KATHERINE B. FORREST, District Judge:

The Court has serious concerns about whether plaintiff’s Complaint meets the pleading requirements of Fed. R. Civ. P. 8(a)(2) as set forth in Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007) and Ashcroft v. Iqbal, 556 U.S. 662 (2009). Rule 8(a) requires that pleadings contain “a short and plain statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a). In the instant Complaint, plaintiff recites the procedural posture of her case and states that administrative law judge’s decision “was erroneous, not supported by substantial evidence on the record and/or contrary to the law.” (Compl. at ¶ 8.) The Court cautions plaintiff that she must do more than merely demonstrating that she has met the jurisdictional requirements set forth in 23 U.S.C. § 405(g). “While Twombly does not require heightened fact pleading of specifics, it does require enough facts to “nudge plaintiffs’ claims across the line from conceivable to plausible.” In re Elevator Antitrust Litig., 502 F.3d 47, 50 (2d Cir. 2007) (alternations omitted).

If plaintiff wishes to amend her complaint, she may do so according to Rule 15 of the federal Rules of Civil Procedure.

The Clerk of Court is also directed to amend the caption of the complaint to list “Carolyn Colvin, Commissioner, Social Security Administration” as the defendant to this action.

SO ORDERED.

Dated: New York, New York  
October 19, 2015

A handwritten signature in black ink, appearing to read "K. B. Forrest". The signature is written in a cursive, somewhat stylized font.

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KATHERINE B. FORREST  
United States District Judge