

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ELVIN AVILES MENDEZ	:	CIVIL ACTION
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
KILOLO KIJAKAZI,¹ Acting	:	No. 20-cv-04892-RAL
Commissioner of Social Security	:	
	:	
Defendant.	:	

ORDER

AND NOW this 13th day of November 2023, upon consideration of the parties’ submissions, it is **ORDERED** that:

1. Plaintiff’s Complaint (Doc. No. 1) and Brief in support (Doc. No. 18) are **DENIED** and the arguments of the Acting Commissioner as set forth in the Defendant’s Response to Request for Review of Plaintiff (Doc. No. 23) are adopted as addressed in the Memorandum Opinion;
2. **JUDGMENT IS ENTERED** in favor of the Acting Commissioner of Social Security, KILOLO KIJAKAZI, by separate document filed contemporaneously. See *Shalala v. Schaefer*, 509 U.S. 292, 303 (1993); *Kadelski v. Sullivan*, 30 F.3d 399, 402 (3d Cir. 1994); Fed. R. Civ. P. 58(a); and

¹ Kילו Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Ms. Kijakazi should be substituted for the former Commissioner of Social Security, Andrew Saul, as the defendant in this action. No further action need be taken to continue this suit pursuant to section 205(g) of the Social Security Act. 42 U.S.C. § 405(g). (Social Security disability actions “survive notwithstanding any change in the person occupying the office of Commissioner of Social Security or any vacancy in such office”).

3. The Clerk of Court shall mark this case **CLOSED** for all purposes including statistics.

BY THE COURT:

s/Richard A. Lloret
RICHARD A. LLORET
U.S. Magistrate Judge