

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

YOSEF S. FRASER,	§	
	§	
Plaintiff,	§	
	§	
V.	§	No. 3:16-cv-939-B
	§	
COMMISSIONER OF SOCIAL SECURITY,	§	
	§	
Defendant.	§	

ORDER

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case (the “FCR”).

Plaintiff filed a response to the FCR, titled “Requesting Permission to Amen[d] Civil Complaint,” in which he stated that he “would like to clarify [his] position.” Dkt. No. 12. Attached to this response is a proposed second amended complaint that attempts to recast this action as an appeal of the denial of Social Security benefits. See Dkt. No. 12-1.

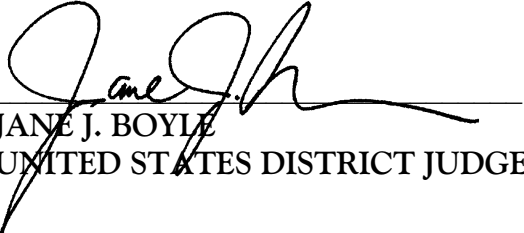
But, as Plaintiff represented to this Court previously, he filed this action to “address his concerns of discrimination,” while “[t]he suit [that he] filed in the Sherman Division [of the Eastern District of Texas] is a result of [his] lack of confidence in the SSA,” which action is ostensibly an appeal of an administrative decision to deny Social Security benefits. Dkt. No. 7 at 2. Because Plaintiff has failed to show why this Court should encourage parallel administrative appeals to proceed, his requested amendment is futile. Cf. *Winding v. Vincent*, No. 3:13CV425TSL–JMR, 2014 WL 1056828, at *1 (S.D. Miss. Mar. 18, 2014) (“By his objection, Winding essentially seeks to amend his complaint in an attempt to recast his claims as ones for retaliation and/conspiracy.... [But]

the proposed amendment is futile, [and] plaintiff's objection will be overruled.”).

To that extent that Plaintiff's response is solely an objection to the FCR, the District Court has reviewed *de novo* those portions of the proposed FCR to which objection was made, and reviewed the remaining proposed FCR for plain error. Finding no error, the Court **ACCEPTS** the FCR.

SO ORDERED.

DATE: OCTOBER 6, 2016



JANE J. BOYLE
UNITED STATES DISTRICT JUDGE