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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

STEPHON COAKLEY, as son and  
next of kin of ANGELA LYNN  
MARIE NEWTON, deceased,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting  
Commissioner of Social Security,

Defendant.

NO: 13-CV-0061-TOR

ORDER ON MOTION TO  
SUBSTITUTE PARTY

BEFORE THE COURT is a motion filed by Stephon Coakley to substitute himself as the Plaintiff in this action following the death of his mother, Plaintiff Angela Newton (ECF No. 16). This matter was submitted for consideration without oral argument. The Court has reviewed the briefing and the record and files herein, and is fully informed.

1 Mr. Coakley's motion is granted as it pertains to Ms. Newton's pending  
2 claim for disability insurance benefits under Title II of the Social Security Act.  
3 Mr. Coakley is hereby substituted as Plaintiff as to the Title II claim.

4 The motion is denied as it pertains to Ms. Newton's pending claim for  
5 supplemental security income ("SSI") benefits under Title XVI of the Social  
6 Security Act. As Defendant correctly notes, Mr. Coakley, as Ms. Newton's son, is  
7 not eligible to receive any SSI benefits potentially owing to Ms. Newton. 20  
8 C.F.R. § 416.542(b)(4). Under the Commissioner's regulations, only a "surviving  
9 eligible spouse" or a "surviving spouse who was living with the underpaid  
10 claimant" may receive underpaid SSI benefits following the claimant's death. 20  
11 C.F.R. § 416.542(b)(1). Since Ms. Newton apparently never married, *see* ECF No.  
12 17 at 3, there is no one eligible to receive any SSI benefits potentially owing to her.  
13 Accordingly, Ms. Newton's claim for SSI benefits under Title XVI must be  
14 dismissed for failure to state a claim upon which relief may be granted. Fed. R.  
15 Civ. P. 12(b)(6).

16 **IT IS HEREBY ORDERED:**

- 17 1. Stephon Coakley's motion to substitute himself as Plaintiff (ECF No. 16)  
18 is **GRANTED in part** and **DENIED in part**. Mr. Coakley is hereby  
19 **SUBSTITUTED** as Plaintiff as to Ms. Newton's pending claim for  
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1 disability insurance benefits under Title II. The Clerk of Court shall  
2 amend the case caption as indicated above.

3 2. Ms. Newton's pending claim for supplemental security income benefits  
4 under Title XVI is hereby **DISMISSED** with prejudice for failure to state  
5 a claim upon which relief may be granted pursuant to Federal Rule of  
6 Civil Procedure 12(b)(6).

7 The District Court Executive is hereby directed to enter this Order and  
8 provide copies to counsel.

9 **DATED** February 7, 2014.



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*Thomas O. Rice*  
THOMAS O. RICE  
United States District Judge