

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DONNIE L. BASS,

Plaintiff,

v.

NANCY A. BERRYHILL, Acting
Commissioner of the Social Security
Administration,

Defendant.

No. C13-2025RSL

ORDER TO SHOW CAUSE

This matter comes before the Court on plaintiff's notice of the Social Security Administration's failure to comply with court orders in this case. Dkt. # 56.¹ Plaintiff alleges that he received a letter from the SSA, dated November 16, 2016, informing plaintiff that he owes the SSA \$17,331.40. On May 16, 2016, the Ninth Circuit held that plaintiff was entitled to a waiver of overpayment, relieving plaintiff of the obligation to repay \$8,845.19 in overpaid disability insurance benefits under Title II of the Social Security Act. Dkt. # 47. On August 12, 2016, defendant represented that "SSA will (1) waive any remaining repayment; and (2) pay back to Plaintiff and his child all money already collected from the overpayment." Dkt. # 51 at 2. On August 16, 2016, this Court adopted the Report and Recommendation of the Honorable

¹ Nancy A. Berryhill is now the Acting Commissioner of Social Security. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Nancy A. Berryhill should be substituted for Acting Commissioner Carolyn W. Colvin as the defendant in this suit. The Clerk is directed to update the docket, and all future filings by the parties should reflect this change.

1 James P. Donohue, Dkt. # 53, and dismissed this case with prejudice. Dkt. ## 54, 55. Plaintiff's
2 most recent filing suggests that defendant has asked plaintiff to repay overpaid benefits despite
3 the Ninth Circuit's order granting plaintiff a waiver of overpayment.
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5 For the foregoing reasons, defendant is hereby ORDERED TO SHOW CAUSE why the
6 SSA's letter seeking \$17,331.40 from plaintiff does not violate the orders of this Court and the
7 Ninth Circuit. Defendant shall file a response within fourteen (14) days of this order.
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9 The Clerk of Court is directed to note this Order to Show Cause on the Court's calendar
10 for February 16, 2017.
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12 DATED this 2nd day of February, 2017.
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15 Robert S. Lasnik
16 United States District Judge
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