

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 DENYING PLAINTIFF'S REQUEST FOR JUDICIAL REVIEW

This matter comes before the Court on plaintiff Donnie L. Bass's "Request for Judicial Review," Dkt. # 65, which the Court understands to be a motion for reconsideration of the Court's order denying plaintiff's request to deny defendant leave to substitute counsel. Dkt. # 63. Having considered plaintiff's request and the remainder of the record, the Court denies plaintiff's request.

Motions for reconsideration are disfavored in this district and will be granted only upon a “showing of manifest error in the prior ruling” or “new facts or legal authority which could not have been brought to [the Court’s] attention earlier with reasonable diligence.” LCR 7(h)(1). Plaintiff has not met this burden.

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,

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1 defendant represented that “SSA will (1) waive any remaining repayment; and (2) pay back to  
2 Plaintiff and his child all money already collected from the overpayment.” Dkt. # 51 at 2. On  
3 August 16, 2016, this Court adopted the Report and Recommendation of the Honorable James P.  
4 Donohue, Dkt. # 53, and dismissed this case with prejudice. Dkt. ## 54, 55.

5 On January 13, 2017, plaintiff notified the Court that he had received a letter from the  
6 SSA, dated November 16, 2016, informing plaintiff that he owed the SSA \$17,331.40. Dkt.  
7 # 56. On February 2, 2017, the Court ordered defendant to show that the Social Security  
8 Administration had not violated the orders of this Court and the Ninth Circuit by asking plaintiff  
9 to repay \$17,331.40 in overpaid benefits. Dkt. # 57. Defendant responded, clarifying that the  
10 amount sought from plaintiff is currently \$8,486.21, which derives from an unadjudicated  
11 overpayment of \$10,687 but nonetheless accounts for the court-ordered overpayment waiver of  
12 \$8,845.19. Dkt. # 60. Defendant indicated that plaintiff had administratively requested  
13 reconsideration of the newly calculated \$8,486.21 overpayment. Dkt. # 60-1. Satisfied that the  
14 Social Security Administration had followed the court orders, the Court vacated its order to  
15 show cause. Dkt. # 61.

16 Also in February 2017, attorney Nancy A. Mishalanie appeared on behalf of defendant,  
17 and attorney Richard A. Morris withdrew as counsel for defendant. Dkt. ## 58, 59. On  
18 February 16, 2017, plaintiff asked the Court to deny defendant’s change of counsel. Plaintiff  
19 further indicated that he had challenged the \$17,331.40 overpayment administratively. Dkt.  
20 # 62.

21 The Court denied plaintiff’s request to prevent defendant from changing counsel. The  
22 Court further indicated that because the \$8,486.21 overpayment that the SSA now seeks from  
23 plaintiff appears to be unrelated to the overpayment addressed in the orders of this Court and of  
24 the Ninth Circuit, the Court lacks jurisdiction to address the \$8,486.21 overpayment until  
25 plaintiff has exhausted his administrative remedies and received a final decision regarding that  
26 overpayment from the Commissioner of Social Security. See Dkt. # 63.

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1 Plaintiff's request for judicial review asserts that the Court has impermissibly modified its  
2 previous order relieving plaintiff of the obligation to repay \$8,845.19 in overpaid disability  
3 insurance benefits. As explained in the Court's most recent order, Dkt. # 63, the Court's  
4 adjudication of the \$8,845.19 overpayment remains in effect. The \$8,486.21 overpayment  
5 currently sought by the SSA, however, is unrelated to the Court's previous order relieving  
6 plaintiff of the obligation to repay \$8,845.19, and so this Court lacks jurisdiction to address it.  
7 Plaintiff must pursue his challenge to the SSA's most recent request for overpayment through  
8 administrative action.

9  
10 For all the foregoing reasons, plaintiff's request for judicial review (Dkt. # 65) is  
11 DENIED.

12  
13 DATED this 25th day of April, 2017.

14  
15   
16 Robert S. Lasnik  
17 United States District Judge