

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

TARA S. MOON,

**Plaintiff,**

V.

NANCY A. BERRYHILL, Acting  
Commissioner of Social Security,

Defendant.

Case No. C17-5839-JPD

ORDER DENYING PLAINTIFF'S  
APPLICATION TO PROCEED *IN  
FORMA PAUPERIS* AND GRANTING  
LEAVE TO AMEND

NANCY A. BERRYHILL, Acting  
Commissioner of Social Security,

### Defendant.

Plaintiff has filed an application to proceed *in forma pauperis* (“IFP”) in the above-entitled action. Dkt. 1. After careful consideration of the application, the governing law and the balance of the record, the Court ORDERS as follows:

(1) Plaintiff's application to proceed IFP, Dkt. 1, is DENIED. Plaintiff's application is deficient because she failed to comply with LCR 3(b) by sufficiently answering all of the questions on the IFP affidavit approved for use in this district. Specifically, plaintiff failed to completely answer Question Nos. 2, 3 (d and g), and Nos. 4-8. This information is necessary for the Court to determine whether plaintiff financially qualifies to bring this action without paying the applicable filing fee.

ORDER  
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(2) In addition, the Court notes that plaintiff's IFP application fails to include the correct name of the defendant in the caption. On January 23, 2017, Nancy A. Berryhill became the Acting Commissioner of Social Security. Therefore, pursuant to Rule 25(d)(1) of the Federal Rules of Civil Procedure, Nancy A. Berryhill should have been named as the defendant in the caption of plaintiff's IFP application. **Plaintiff's counsel is an experienced social security practitioner and the Court expects that future submissions to the Court will not repeat this error. Plaintiff's counsel is directed to update the caption on all future filings with the Court. Failure to make this change in the future may cause this Court to strike the pleading.**

(3) Plaintiff is GRANTED LEAVE TO AMEND her IFP and shall have 30 days from the date of this Order to correct the deficiencies. Plaintiff is advised that this case may be subject to dismissal if she does not respond to this Order or fails to correct the deficiencies described above.

(4) The Clerk is directed to send a copy of this Order to plaintiff.

DATED this 23rd day of October, 2017.

James P. Donohue

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JAMES P. DONOHUE  
Chief United States Magistrate Judge