

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
MASSACHUSETTS**

Roland Garrett v. Social Security Administration

Garrett · No. 25-13833-MJJ · Decided December 31, 2025

OPINION

UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS) ROLAND
GARRETT,)) Plaintiff,)) v.) Civil Action No. 25-13833-MJJ) SOCIAL SECURITY
ADMINISTRATION,)) Defendant.))) MEMORANDUM AND ORDER JOUN, D.J. Plaintiff
Roland Garrett, who is representing himself, has filed a civil complaint against the United States
Social Security Administration (“SSA”) in which he alleges that the agency wrongfully terminated
his Social Security benefits.

Garrett has also filed a motion for leave to proceed in forma pauperis and motion for injunctive
relief. For the reasons stated below, the Court will grant the motion for leave to proceed in forma
pauperis, deny in part the motion for injunctive relief and order that the complaint and emergency
motion be transmitted to the SSA.

The Court will also dismiss any claims for damages. I. MOTION FOR LEAVE TO PROCEED IN
FORMA PAUPERIS Upon review of Garrett’s motion for leave to proceed in forma pauperis, the
Court GRANTS the same. II. REVIEW OF THE COMPLAINT Because Garrett is proceeding
without prepayment of the filing fee, his complaint is subject to a preliminary screening under 28
U.S.C. § 1915(e)(2).

This statute authorizes federal courts to dismiss actions in which a plaintiff seeks to proceed
without prepayment of fees if the action is malicious, frivolous, fails to state a claim upon which
relief may be granted, or seeks monetary relief against a defendant who is immune from such
relief. See 28 U.S.C. § 1915(e)(2)(B).

In conducting this review, the Court liberally construes Garrett’s complaint because he is
proceeding pro se. A. Plaintiff’s Complaint Plaintiff filed his complaint on the preprinted Pro Se 2
form (Complaint and Request for Injunction). [Doc. No. 1]. Plaintiff’s statement of his claim
consists of the following: On 12-23-2025, defendant schedule a termination of all the plaintiff
state and federal services in Massachusetts for January 1, 2026, without warning, or notice.

[Id. at ¶ III(A)]. Plaintiff explains that he “can’t pay rent, [and he is] facing eviction.” [Id. at ¶ IV
(irreparable injury)]. In his prayer for relief, Garrett requests \$”50,000.00.” [Id. at ¶ V (relief)]. On
his civil cover sheet, Garrett states that he is “trying to stop SSA from terminating [his] services.”

[Doc. No. 1-2]. B. Sovereign Immunity of the United States The United States—including its agencies—has sovereign immunity from suit unless such immunity has been waived.

See *FDIC v. Meyer*, 510 U.S. 471, 475 (1994). A federal agency’s waiver of immunity must be “unequivocally expressed” and will be strictly construed in favor of immunity. *United States v. Nordic Village, Inc.*, 503 U.S. 30, 33-34 (1992) (quoting *Irwin v. Dep’t of Veterans Affairs*, 498 U.S. 95 (1990)).

The Social Security Act contains a very narrow waiver of sovereign immunity of the SSA. See 42 U.S.C. §§ 405(g), (h). Under 42 U.S.C. § 405(g) (“§ 405(g)”), an individual may seek judicial review of a “final decision” of the Commissioner of the SSA Administration. See 42 U.S.C. § 405(g). A “final decision” arises when (1) the Appeals Council of the SSA denies an individual request for further review of the decision of the administrative law judge; or (2) the Appeals Council does decide to review the individuals claims and issues its decision.

See 20 C.F.R. §§ 404.900(a), 404.981; see also *Sims v. Apfel*, 530 U.S. 103, 106-07 (2000). Thereafter, a civil action for judicial review of the final decision must be initiated within 60 days of the final decision. See 20 C.F.R. §§ 404.981, 422.210.1 Here, it is unclear whether Garrett has exhausted his administrative remedies with regard to the termination of the benefits he now seeks.

Nonetheless, because the SSA can provide this information, the Court will order the Clerk to transmit this action to the SSA pursuant to Rule 3 of the Supplemental Rules for Social Security Actions under 42 U.S.C. § 405(g). C. Claims for Damages To the extent that Garrett seeks relief other than the benefits allegedly due to him, the complaint fails to state a claim upon which relief may be granted.

Section § 405(g) does not contain a damages remedy, and it is the exclusive method “to recover on any claim arising under” the Social Security Act. 42 U.S.C. § 405(h) (“§ 405(h)”) (“No action against the United States, the Commissioner of Social Security, or any officer or employee thereof shall be brought under section 1331 or 1346 of title 28 to recover on any claim arising under this subchapter.”).

Where a plaintiff challenges any misconduct related to the denial of Social Security benefits, the plaintiff’s remedy is limited to the benefits (if any) that were wrongly denied. See, e.g., *Schweiker v. Chilicky*, 487 U.S. 412, 424-25 (1988) (holding that the Social Security Act does not contain a “remedy in damages for emotional distress or for other hardships suffered” from mishandling of claim, and refusing to create Bivens remedy precludes a cause of action for 1 Though this sixty-day limit is non-jurisdictional, it is a condition on the waiver of sovereign immunity and, thus, is strictly construed.

See *Bowen v. City of New York*, 476 U.S. 467, 479 (1986). The limitations period, however, is subject to equitable tolling if the requirements of that doctrine are satisfied. See *id.* at 479–80.

money damages for unconstitutional conduct that led to the wrongful denial of benefits); Weinberger v. Salfi, 422 U.S. 749, 756-61 (1975) (§ 405(h) bars federal-question jurisdiction of any claim arising under Social Security Act except pursuant to § 405(g)); Toth v. Comm'r of Soc.

Sec., 705 Fed. App'x 138 (3d Cir. 2017) (per curiam) (§ 405(h) precludes claim under the Federal Tort Claims Act for the SSA's alleged wrongful denial of benefits). III. CONCLUSION In accordance with the foregoing, the Court hereby orders: 1.

The motion for leave to proceed in forma pauperis is GRANTED. 2. The emergency motion is DENIED in part as to the request for a temporary restraining order. The request for preliminary injunction remains under advisement and on or before January 14, 2026, Defendant must respond to Garrett's request for preliminary injunction. 3.

The Clerk shall transmit the complaint and emergency motion to the SSA pursuant to Rule 3 of the Supplemental Rules for Social Security Actions under 42 U.S.C. § 405(g). Garrett is not required to serve a summons and complaint. See Rule 3 of the Supplemental Rules for Social Security Actions. 4. Any claims for monetary damages are DISMISSED. SO ORDERED. Dated: December 31, 2025 /s/ Myong J. Joun MYONG J. JOUN United States District Judge