

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Moore v. Commissioner of Social Security

Moore · No. 1:25-cv-01078-CDB (SS) · Decided September 3, 2025

SUMMARY

The United States District Court for the Eastern District of California grants Richard Moore’s application to proceed in forma pauperis in an action seeking review of the Commissioner of Social Security’s denial of disability benefits. The court finds that the complaint states a cognizable claim under 42 U.S.C. § 405(g) and was timely filed. The court directs the Clerk to issue a summons, scheduling order, and consent or reassignment documents.

OPINION

(SS) Moore v. Commissioner of Social Security

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 RICHARD MOORE, Case No. 1:25-cv-01078-CDB (SS) 12 Plaintiff, ORDER
GRANTING APPLICATION TO

PROCEED IN FORMA PAUPERIS AND

13 v. DIRECTING CLERK OF THE COURT TO

ISSUE SUMMONS, SCHEDULING ORDER,

14 COMMISSIONER OF SOCIAL AND CONSENT OR REQUEST FOR
SECURITY, REASSIGNMENT DOCUMENTS

15 Defendant. (Doc. 2) 16 17 18 Plaintiff Richard Moore (“Plaintiff”) initiated this action with the
filing of a complaint on

19 August 27, 2025, seeking review of the final decision of the Commissioner of Social Security
20 denying disability insurance and benefits. (Doc. 1). Plaintiff did not pay the filing fee and

instead 21 filed an application to proceed in forma pauperis (“IFP”) pursuant to 28 U.S.C. § 1915.
(Doc. 2). 22 For the following reasons, the Court finds issuance of the new case documents and

Plaintiff’s 23 application to proceed in forma pauperis appropriate. 24 I. Proceeding In Forma
Pauperis 25 The Court may authorize the commencement of an action without prepayment of fees

“by 26 a person who submits an affidavit that includes a statement of all assets such [person]
possesses 27 [and] that the person is unable to pay such fees or give security therefor.” 28 U.S.C.

§ 1915(a). Here, the Court has reviewed Plaintiff’s application and financial status affidavit (Doc.

2) and finds 1 the requirements of 28 U.S.C. § 1915(a) are satisfied. 2 II. Screening Requirement 3
When a party seeks to proceed in forma pauperis, the Court is required to review the 4 complaint
and shall dismiss the complaint, or portion thereof, if it is “frivolous, malicious or fails 5 to state a
claim upon which relief may be granted; or ... seeks monetary relief from a defendant 6 who is
immune from such relief.” 28 U.S.C. §§ 1915(b) & (e)(2). A plaintiff’s claim is frivolous 7 “when
the facts alleged rise to the level of the irrational or the wholly incredible, whether or not 8 there
are judicially noticeable facts available to contradict them.” *Denton v. Hernandez*, 504 U.S. 9 25,
32-33 (1992). 10 III. Pleading Standards 11 A complaint must include a statement affirming the
court’s jurisdiction, “a short and plain 12 statement of the claim showing the pleader is entitled to
relief; and a demand for the relief sought, 13 which may include relief in the alternative or
different types of relief.” Fed. R. Civ. P. 8(a). The 14 purpose of the complaint is to give the
defendant fair notice of the claims, and the grounds upon 15 which the complaint stands.
Swierkiewicz v. Sorema N.A., 534 U.S. 506, 512 (2002). As set forth 16 by the Supreme Court,
Rule 8: 17 ... does not require detailed factual allegations, but it demands more than an
unadorned, the-defendant-unlawfully-harmed-me accusation. A pleading that offers 18 labels and
conclusions or a formulaic recitation of the elements of a cause of action will not do. Nor does a
complaint suffice if it tenders naked assertions devoid of 19 further factual enhancement. 20
Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009) (internal quotation marks and citations omitted).
21 Vague and conclusory allegations do not support a cause of action. *Ivey v. Board of Regents*,
673 22 F.2d 266, 268 (9th Cir. 1982). The *Iqbal* Court clarified further, 23 [A] complaint must
contain sufficient factual matter, accepted as true, to “state a claim to relief that is plausible on its
face.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 24 544, 570 (2009). A claim has facial plausibility
when the plaintiff pleads factual content that allows the court to draw the reasonable inference that
the defendant is 25 liable for the misconduct alleged. *Id.* at 556. The plausibility standard is not
akin to a “probability requirement,” but it asks for more than a sheer possibility that a 26
defendant has acted unlawfully. *Id.* Where a complaint pleads facts that are “merely consistent
with” a defendant’s liability, it “stops short of the line between possibility 27 a nd plausibility of
“entitlement to relief.” 1 and determine whether the facts would make the plaintiff entitled to
relief; legal conclusions are 2 not entitled to the same assumption of truth. *Id.* The Court may
grant leave to amend a complaint 3 to the extent deficiencies of the complaint can be cured by an
amendment. *Lopez v. Smith*, 203 4 F.3d 1122, 1127-28 (9th Cir. 2000) (en banc). 5 IV. Discussion
and Analysis 6 Plaintiff seeks review of a decision by the Commissioner of Social Security
denying 7 disability benefits. (Doc. 1). The Court may have jurisdiction pursuant to 42 U.S.C. §
405(g), 8 which provides: 9 Any individual after any final decision of the Commissioner made
after a hearing to which he was a party, irrespective of the amount 10 in controversy, may obtain a
review of such decision by a civil action commenced within sixty days after the mailing to him of
such 11 decision or within such further time as the Commissioner may allow. Such action shall be
brought in the district court of the United 12 States for the judicial district in which the plaintiff

resides or has his principal place of business...The court shall have power to enter, 13 upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner 14 of Social Security, with or without remanding the cause for a rehearing. 15 16 Id. Except as provided by statute, “[n]o findings of fact or decision of the Commissioner shall be 17 reviewed by any person, tribunal, or governmental agency.” 42 U.S.C. § 405(h). 18 On April 29, 2025, the Appeals Council denied Plaintiff’s request for review of the decision 19 of the Administrative Law Judge denying Plaintiff’s claim for benefits. (Doc. 1 ¶ 8). On August 20 4, 2025, the Appeals Council granted Plaintiff an extension of time of 30 days from the date of the 21 notice to file an appeal for judicial review of the Commissioner’s final decision in federal district 22 court. Id. ¶ 9. On August 27, 2025, Plaintiff filed a complaint in this Court seeking judicial review 23 of the Commissioner’s final decision. See id. Thus, Plaintiff’s complaint is timely. Plaintiff claims 24 residency in Fresno County, California. Id. ¶ 1. Therefore, the Court has jurisdiction over this 25 action. 26 /// 27 /// 1} V. Conclusion and Order 2 Plaintiff's complaint states a cognizable claim for review of the administrative decision 3 | denying Social Security benefits and supplemental income. Accordingly, IT IS HEREBY 4 | ORDERED that Plaintiff's application to proceed in forma pauperis (Doc. 2) is GRANTED. The 5 | Clerk of Court is directed to issue the following: 1) a Summons; 2) the Scheduling Order; 3) the 6 | Order re Consent or Request for Reassignment; and 4) a Consent to Assignment or Request for 7 | Reassignment form. 8 | IT IS SO ORDERED. ” | Dated: _ September 3, 2025 | hr
10 UNITED STATES MAGISTRATE JUDGE
11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28