

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN

Kubichka v. Bisignano

Kubichka · No. 26-CV-365 · Decided March 17, 2026

SUMMARY

The United States District Court for the Eastern District of Wisconsin grants Michael James Kubichka leave to proceed without prepaying the filing fee in his action seeking review of a Social Security benefits decision. The court allows the judicial-review claim to proceed but dismisses or limits claims seeking damages and other relief beyond benefits available under the Social Security Act.

CASE DETAILS

COURT	United States District Court for the Eastern District of Wisconsin
WRITING FOR THE COURT	Byron B. Conway
JURISDICTION	United States District Court for the Eastern District of Wisconsin
DECIDED	March 17, 2026
DOCKET	26-CV-365
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a pro se complaint seeking judicial review of a Social Security benefits decision and requested leave to proceed without prepaying the filing fee. The district court granted in forma pauperis status, permitted the Social Security judicial-review claim to proceed, and dismissed or screened out requests for damages and other relief.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2), the court screens an in forma pauperis complaint and may dismiss claims that are frivolous or malicious, fail to state a claim upon which relief may be granted, or seek monetary relief from an immune defendant. Well-pleaded, nonfrivolous factual allegations are accepted as true and assessed for plausibility. Judicial review under 42 U.S.C. § 405(g) requires a final decision of the SSA following the administrative process.
PRECEDENTIAL VALUE	Nonprecedential district court order
PARTIES	Michael James Kubichka v. Frank Bisignano, Commissioner of the Social Security Administration

TOPICS

judicial review of agency action

exhaustion of remedies

administrative law

damages

civil procedure

PRACTICE AREAS

Social Security law

administrative law

civil procedure

remedies

QUESTIONS PRESENTED

1. Whether Kubichka could proceed without prepaying the filing fee.
2. Whether the complaint stated a claim for judicial review of the SSA's most recent denial of benefits despite uncertainty about exhaustion of administrative remedies.
3. Whether the Social Security Act permits compensatory or punitive damages and other extra-statutory relief for the denial of Social Security benefits.

HOLDINGS

1. The plaintiff's request to proceed in forma pauperis was granted because the court concluded that he lacked the resources to pay the filing fee.
2. The complaint's request for judicial review of the SSA's most recent benefits decision could proceed at the screening stage, even though exhaustion was unclear, because the complaint alleged that the SSA had rendered a decision and the agency could provide information concerning exhaustion.
3. The Social Security Act does not provide a plausible claim for compensatory or punitive damages, emotional-distress damages, or other extra-statutory relief arising from the denial or reduction of Social Security benefits; the remedy is limited to benefits available under the Act.

KEY QUOTATIONS

"Compensatory and punitive damages are unavailable forms of relief for the denial or reduction of Social Security payments."

"The Act does not authorize claims for money damages against officials even if their unconstitutional conduct leads to the wrongful denial of benefits."

FACTUAL BACKGROUND

The SSA previously denied Kubichka's application for disability benefits, and his earlier federal action resulted in a remand to the agency for further proceedings. After a new hearing, the SSA again found that he was not disabled. Kubichka challenged the new decision as unsupported by substantial evidence and based on legal errors, while also seeking damages and other relief for hardships allegedly caused by the denial of benefits.

PROCEDURAL HISTORY

Kubichka previously challenged an SSA disability-benefits decision in the Eastern District of Wisconsin, and that case was remanded to the SSA for further proceedings under 42 U.S.C. § 405(g). After a subsequent hearing resulted in another finding that he was not disabled, he filed this action. The court granted his request to proceed

without prepaying the filing fee, allowed his challenge to the most recent SSA decision to proceed at the screening stage, and dismissed his additional claims for relief under 28 U.S.C. § 1915(e)(2).

DISPOSITION

other

CASES CITED

- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Estelle v. Gamble, 429 U.S. 97, 106 (1976)
- Ashcroft v. Iqbal, 556 U.S. 662, 679 (2009)
- Kubichka v. Kijakazi, No. 21-CV-892-LA (E.D. Wis. May 26, 2022)
- Brooks v. Richardson, 131 F.4th 613, 614 (7th Cir. 2025)
- Slabon v. Berryhill, 751 F. App'x 928, 930 (7th Cir. 2019)
- Schweiker v. Chilicky, 487 U.S. 412, 414, 422, 424-26 (1988)
- Williams v. Commissioner, No. 23-3185, 2024 U.S. App. LEXIS 5984, at *6 (10th Cir. Mar. 13, 2024)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WISCONSIN MICHAEL JAMES KUBICHKA, Plaintiff, v. Case No. 26-CV-365 FRANK BISIGNANO, Commissioner of the Social Security Administration, Defendant. ORDER GRANTING PLAINTIFF'S REQUEST TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING THE FILING FEE Michael James Kubichka, proceeding pro se, recently filed a complaint against the Commissioner of the Social Security Administration.

(ECF No. 1.) Accompanying Kubichka's complaint was a Request to Proceed in District Court without Prepaying the Filing Fee. (ECF No. 2.) Having reviewed this motion, the court concludes that Kubichka lacks the resources to pay the filing fee.

Accordingly, Kubichka's Request to Proceed in District Court without Prepaying the Filing Fee is granted. However, because Kubichka is proceeding without prepayment of the filing fee, the court must determine whether the complaint is legally sufficient to proceed. 28 U.S.C. § 1915. 1. Legal Standard The court may screen and dismiss a complaint if it raises claims that are legally "frivolous or malicious," that fail to state a claim upon which relief may be granted, or that seek monetary relief from a defendant who is immune from such relief.

28 U.S.C. § 1915(e)(2). Thus, although "a pro se complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers," Erickson v. Pardus, 551 U.S. 89, 94 (2007) (quoting Estelle v. Gamble, 429 U.S. 97, 106 (1976)), a pro se complaint must

meet these minimal standards before the court shall grant a plaintiff leave to proceed in forma pauperis.

If the complaint contains well-pleaded non-frivolous factual allegations, the court should assume the veracity of those allegations and “then determine whether they plausibly give rise to an entitlement to relief.” *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009) “Determining whether a complaint states a plausible claim for relief will ... be a context-specific task that requires the reviewing court to draw on its judicial experience and common sense.” *Id.* 2.

Background Kubichka alleges that the Social Security Administration (SSA) wrongfully denied his Social Security benefits. (ECF No. 1.) Kubichka previously challenged the SSA’s decision related to his application for disability benefits in 2021. That case was remanded to the SSA for further proceedings pursuant to 42 U.S.C. § 405(g). See *Kubichka v. Kijakazi*, No. 21-CV-892-LA (E.D.

Wis., May 26, 2022). It appears that a new hearing was held and Kubichka was again found to not be disabled. (ECF No. 1 at 3.) Here, Kubichka seeks judicial review of the new decision. (ECF No. 1 at 3.) He claims that the Commissioner’s denial “was not supported by substantial evidence” and “was based on legal errors,” and questions the difference between the findings in the first hearing compared to the second.

(ECF No. 1 at 3.) Kubichka further seeks damages for the pain and suffering he experienced while not receiving benefits. He accuses the Commissioner of ignoring him and requests compensation for three years of homelessness and estrangement from his daughter. (ECF No. 1 at 6-7.) He asks for student loan forgiveness, child support payments provided by the government, and reimbursement of court costs.

(ECF No. 1 at 7.) 3. Analysis Under 42 U.S.C. § 405(g), federal district courts cannot review complaints for social security benefits until the plaintiff has sought and received a final decision from the SSA denying such benefits. It is unclear whether Kubichka has exhausted his administrative remedies following the denial of his claim for benefits.

However, because the SSA can provide this information, and because Kubichka has stated a claim alleging that the SSA rendered a decision, his request for judicial review may proceed at this stage. To the extent that Kubichka seeks relief other than the benefits allegedly owed to him, his complaint fails to state a plausible claim for relief.

The Supreme Court is leery of extra-statutory damages suits, *Brooks v. Richardson*, 131 F.4th 613, 614 (7th Cir. 2025), and Congress has provided a comprehensive scheme under the Social Security Act to appeal the revocation of benefits. *Slabon v. Berryhill*, 751 F. App'x 928, 930 (7th Cir. 2019), citing *Schweiker v. Chilicky*, 487 U.S. 412, 414, 424, 426, 108 S. Ct.

2460, 101 L. Ed. 2d 370 (1988). Sections 405(g) and 405(h) permit judicial review of agency decisions and provide an exclusive remedy limiting recovery to the benefits available under the Act. “Compensatory and punitive damages are unavailable forms of relief for the denial or reduction of Social Security payments.” *Williams v. Commissioner*, No. 23- 3185, 2024 U.S. App.

LEXIS 5984, at *6 (10th Cir. Mar. 13, 2024). The Act does not authorize claims for money damages against officials even if their unconstitutional conduct leads to the wrongful denial of benefits. *Slabon v. Berryhill*, 751 F. App’x 928, 930 (7th Cir. 2019), citing *Chilicky*, 487 U.S. at 422. 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., *Chilicky*, 487 U.S. at 424-25 (holding that the Social Security Act does not contain a “remedy in damages for emotional distress or for other hardships suffered”). 4. Conclusion
Kubichka’s request for judicial review of the SSA’s most recent decision may proceed.

The other relief he seeks, however, is subject to dismissal under 28 U.S.C. § 1915(e)(2) on the basis that he has not stated plausible claims for relief. If Kubichka wishes to proceed with his other claims, he will have to file a separate action, but as noted above, compensatory and punitive damages may be unavailable as a matter of law.

The Clerk is directed to serve the Commissioner. This matter shall proceed in accordance with the schedule set forth in the briefing letter the Clerk of Court shall issue promptly. SO ORDERED. Dated at Green Bay, Wisconsin this 17th day of March, 2026. s/ Byron B. Conway BYRON B. CONWAY United States District Judge