

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PRECEDENTIAL VALUE	Nonprecedential district court order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)