

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF  
CALIFORNIA

Davis-Lobo v. Commissioner of Social Security

Davis-Lobo · No. 3:25-cv-1421-CAB-AHG · Decided July 15, 2025

SUMMARY

The United States District Court for the Southern District of California denied Dana Davis Lobo’s motion to proceed in forma pauperis in her action seeking review of a Social Security disability benefits decision. The court found that she had not sufficiently demonstrated inability to pay the \$405 filing fee because she reported substantial savings and positive net monthly income. The court determined that the complaint survived screening under 28 U.S.C. § 1915(e)(2)(B), but required payment of the filing fee or submission of a renewed IFP motion within 14 days.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Southern District of California                                                                                                                                                                                                                                                                                                                                                               |
| WRITING FOR THE COURT | Cathy Ann Bencivengo                                                                                                                                                                                                                                                                                                                                                                                                               |
| JURISDICTION          | United States District Court for the Southern District of California                                                                                                                                                                                                                                                                                                                                                               |
| DECIDED               | July 15, 2025                                                                                                                                                                                                                                                                                                                                                                                                                      |
| DOCKET                | 3:25-cv-1421-CAB-AHG                                                                                                                                                                                                                                                                                                                                                                                                               |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                                                                                                              |
| PROCEDURAL POSTURE    | Plaintiff brought an action under 42 U.S.C. § 405(g) seeking judicial review of the Commissioner's final decision denying Social Security Disability and Supplemental Security Income benefits. Plaintiff simultaneously moved to proceed in forma pauperis. The district court denied the IFP motion, found that the complaint survived mandatory screening, and ordered Plaintiff to pay the filing fee or renew the IFP motion. |
| STANDARD OF REVIEW    | The court reviewed the IFP application for whether Plaintiff sufficiently demonstrated indigence and reviewed the complaint under the mandatory screening standard of 28 U.S.C. § 1915(e)(2)(B).                                                                                                                                                                                                                                   |
| PRECEDENTIAL VALUE    | unpublished, nonprecedential district court order                                                                                                                                                                                                                                                                                                                                                                                  |
| PARTIES               | Dana Davis Lobo v. Commissioner of Social Security                                                                                                                                                                                                                                                                                                                                                                                 |

TOPICS

civil procedure

administrative law

judicial review of agency action

pleadings

## PRACTICE AREAS

civil procedure

Social Security

administrative law

## QUESTIONS PRESENTED

1. Whether Plaintiff sufficiently demonstrated inability to pay the \$405 civil filing fee to proceed in forma pauperis under 28 U.S.C. § 1915(a).
2. Whether Plaintiff's Social Security complaint stated a claim sufficient to survive mandatory screening under 28 U.S.C. § 1915(e)(2)(B).

## HOLDINGS

1. Plaintiff did not sufficiently demonstrate inability to pay the \$405 filing fee because her affidavit showed significant savings and positive net monthly income.
2. Plaintiff's complaint stated a claim upon which relief could be granted and therefore survived screening under 28 U.S.C. § 1915(e)(2)(B).

## KEY QUOTATIONS

*“1915(e) not only permits but requires a district court to dismiss an in forma pauperis complaint that fails to state a claim.”* (at 1)

*“No exact formula is ‘set forth by statute, regulation, or case law to determine when someone is poor enough to earn IFP status.’”* (at 2)

*“The plaintiff must provide a statement identifying the basis of the plaintiff’s disagreement with the ALJ’s determination and must make a showing that he is entitled to relief, ‘in sufficient detail such that the Court can understand the legal and/or factual issues in dispute so that it can meaningfully screen the complaint pursuant to § 1915(e).’”* (at 4)

*“Every plaintiff appealing an adverse decision of the Commissioner believes that the Commissioner was wrong. The purpose of the complaint is to briefly and plainly allege facts supporting the legal conclusion that the Commissioner’s decision was wrong.”* (at 4)

## FACTUAL BACKGROUND

Plaintiff sought review of the Commissioner's final administrative decision denying her applications for Social Security Disability and Supplemental Security Income benefits. In support of her IFP motion, Plaintiff reported nearly \$1,400 in monthly income, approximately \$20,000 in savings, approximately \$1,300 in expenses, responsibility for supporting her son, and receipt of food stamps. Her complaint identified the Appeals Council's May 5, 2025 denial of review, invoked 42 U.S.C. § 405(g), identified the benefits sought, and alleged that the Commissioner's findings were unsupported by substantial evidence and contrary to law and regulation.

## PROCEDURAL HISTORY

On June 4, 2025, Plaintiff filed a Social Security appeal and an IFP motion. The district court reviewed the financial affidavit under 28 U.S.C. § 1915(a) and screened the complaint under § 1915(e)(2)(B). The court found that Plaintiff had not shown inability to pay the \$405 filing fee but that the complaint adequately identified the challenged administrative decision and stated a claim for relief. The court denied IFP without prepayment, allowed 14 days to pay the fee or file a renewed IFP motion, and warned that failure to do so would result in dismissal without prejudice.

#### DISPOSITION

other

#### REMAND INSTRUCTIONS

Plaintiff must pay the \$405 filing fee within 14 days of the order or file a renewed IFP motion. If she does neither, the court will sua sponte dismiss the action without prejudice. No further service of a summons is required because the notice of electronic filing serves as notice to the Commissioner under Supplemental Rule 3.

#### CASES CITED

- Lopez v. Smith, 203 F.3d 1122, 1127, 1129 (9th Cir. 2000)
- Adkins v. E.I. DuPont de Nemours & Co., 335 U.S. 331, 339-40 (1948)
- Escobedo v. Applebees, 787 F.3d 1226, 1234-36 (9th Cir. 2015)
- United States v. McQuade, 647 F.2d 938, 940 (9th Cir. 1981)
- Cal. Men's Colony v. Rowland, 939 F.2d 854, 858 (9th Cir. 1991), rev'd on other grounds, 506 U.S. 194 (1993)
- Hoagland v. Astrue, No. 1:12-cv-00973-SMS, 2012 WL 2521753, at \*1-\*2 (E.D. Cal. June 28, 2012)
- Calhoun v. Stahl, 254 F.3d 845, 845 (9th Cir. 2001)
- Jaime B. v. Saul, No. 19cv2431-JLB, 2020 WL 1169671, at \*2 (S.D. Cal. Mar. 10, 2020)