

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Niche Sanders v. Frank J. Bisignano, Commissioner of Social Security

Sanders · No. 2:25-cv-02428-MDC · Decided December 9, 2025

OPINION

Sanders

PER CURIAM.

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 4 Niche Sanders, Case No. 2:25-cv-02428-MDC 5 Plaintiff,

ORDER GRANTING PLAINTIFF'S

6 vs.

APPLICATION TO PROCEED IN FORMA

7 PAUPERIS (ECF NO. 1) AND SCREENING

PLAINTIFF'S COMPLAINT (ECF NO. 1-1)

Frank J. Bisignano, Commissioner of Social 8 Security, 9 Defendant. 10 11 Plaintiff Niche Sanders filed a Motion/Application to Proceed In Forma Pauperis ("IFP") and 12 Complaint. ECF Nos. 1, 1-1. This is a social security appeal and plaintiff is represented by counsel. The 13 Court GRANTS plaintiff's IFP application. 14 I. Whether Plaintiff May Proceed in Forma Pauperis 15 Plaintiff's IFP application is complete as she provides responses to all questions. Plaintiff filed a 16 long-form IFP application. ECF No. 1. Plaintiff notes that she pays for \$289 in food expenses with food 17 stamps. ECF No. 1 at 2, 4. Plaintiff also seems to state that she is currently unemployed, has not worked 18 since 2007, and lives with her grandmother. See *id.* at 2, 4-5. She also has no current assets. *Id.* at 3. 19 Therefore, the Court finds that plaintiff adequately shows she "is unable to pay such fees or give security 20 therefor." 28 U.S.C. § 1915(a)(1). Plaintiff may proceed with this action without paying the filing fee. 21 II. Whether Plaintiff's Complaint States a Plausible Claim 22 a. Legal Standard 23 Upon granting a request to proceed in forma pauperis, a court must additionally screen a complaint 24 pursuant to § 1915(e). Federal courts are given the authority to dismiss a case if the action is legally 25 1 1 "frivolous or malicious," fails to state a claim upon which relief may be granted or seeks monetary relief 2 from a defendant who is immune from such relief. See § 1915(e)(2). "To survive a motion to dismiss, a 3 complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible 4 on its face." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (internal quotations and citation omitted). 5 In considering whether the plaintiff has stated a claim upon which relief can be granted, all material 6 allegations in the complaint are accepted as true and are to be construed in the light most

favorable to the 7 plaintiff. *Russell v. Landrieu*, 621 F.2d 1037, 1039 (9th Cir. 1980). When a court dismisses a complaint 8 under § 1915(e), the plaintiff should be given leave to amend the complaint with directions as to curing 9 its deficiencies, unless it is clear from the face of the complaint that the deficiencies could not be cured by 10 amendment. See *Cato v. United States*, 70 F.3d 1103, 1106 (9th Cir. 1995) (citation omitted). 11 b. Complaint 12 Plaintiff's complaint arises from an unfavorable decision by the Commissioner of Social Security 13 Administration. ECF No. 1-1. Plaintiff asserts that she is disabled as that term is defined in the Social 14 Security Act, and that she filed an application for disability insurance benefits. Id. The Commissioner 15 denied the application. Id. She argues that the Administrative Law Judge's decision is not supported by 16 the evidence. Id. Plaintiff has appealed the decision of the Commissioner to this Court. Id. 17 Plaintiff may appeal to this Court the Commissioner's denial of her application for Disability 18 Insurance Benefits under Title II of the Social Security Act. See 42 U.S.C. §§ 401-433. This Court has 19 jurisdiction over the matter. Id. Construing plaintiff's allegations in the light most favorable to plaintiff, 20 the Court finds that plaintiff has asserted a claim upon which relief can be granted. See *Russell*, 621 F.2d 21 at 1039. 22 // 23 // 24 // 25 2 1 ACCORDINGLY, and for good cause shown, 2 IT IS ORDERED that: 3 1. Plaintiff's Application to Proceed in Forma Pauperis (ECF No. 1) is GRANTED. Plaintiff is 4 permitted to maintain this action without the necessity of prepayment of fees or costs or the 5 giving of security. 6 2. The Clerk of the Court is directed to file the complaint (ECF No. 1-1). The complaint shall 7 be served on the Commissioner in accordance with Rule 3 of the Supplemental Rules for 8 Social Security Actions under 42 U.S.C. § 405(g). 9 IT IS SO ORDERED. 10 DATED: December 9, 2025. Hon. Maximiliano'D\ Couy#llier, III B Unjged States Mlagistya udge 14 [/ 15 16 17 18 19 20 21 22 23 24 25