

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Phonethip R. v. Leland Dudek

Phonethip R. · No. 25-cv-0529-DEB · Decided March 20, 2025

SUMMARY

The United States District Court for the Southern District of California grants Plaintiff Phonethip Rattanasinh's application to proceed in forma pauperis. The court finds that her Social Security complaint satisfies the requirements of the Supplemental Rules for Social Security Actions and passes screening under 28 U.S.C. § 1915(e)(2)(B). The court directs the Clerk to transmit notice to the Social Security Administration's Office of General Counsel and the United States Attorney's Office.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Daniel E. Butcher
JURISDICTION	United States District Court for the Southern District of California
DECIDED	March 20, 2025
DOCKET	25-cv-0529-DEB
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a Social Security action under 42 U.S.C. § 405(g) and applied to proceed in forma pauperis. The district court evaluated the complaint under the pre-answer screening requirement applicable to IFP actions.
STANDARD OF REVIEW	The court conducted pre-answer screening under 28 U.S.C. § 1915(e)(2)(B), determining whether the complaint was frivolous or malicious, failed to state a claim, or sought monetary relief from an immune defendant.
PRECEDENTIAL VALUE	Unpublished district court order; generally nonprecedential.

TOPICS

- civil procedure
- administrative law
- judicial review of agency action

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff demonstrated sufficient inability to pay the filing fee to proceed in forma pauperis.
2. Whether the complaint satisfied the requirements for a Social Security action under 42 U.S.C. § 405(g) and survived pre-answer screening under 28 U.S.C. § 1915(e)(2)(B).

HOLDINGS

1. Plaintiff sufficiently demonstrated that she could not pay the filing fee while affording the necessities of life, so the court granted her application to proceed in forma pauperis.
2. The complaint passed pre-answer screening because it stated a claim for relief, was not frivolous or malicious, and did not seek monetary relief from an immune defendant.

KEY QUOTATIONS

“The Supplemental Rules for Social Security Actions Under 42 U.S.C. § 405(g) (“Supplemental Rules”) require the complaint to include:” (at 2)

“Based on the foregoing, the Court GRANTS Plaintiff's IFP Application (Dkt. No. 3) and FINDS her complaint passes pre-answer screening pursuant to 28 U.S.C. 1915(e)(2)(B).” (at 2)

FACTUAL BACKGROUND

Plaintiff alleged that she sought review of a final Social Security decision concerning Supplemental Security Income. In support of her IFP application, Plaintiff represented that she was unemployed, unhoused, had no assets, and received \$291 per month in public assistance.

PROCEDURAL HISTORY

Plaintiff commenced the action and submitted an application to proceed without prepaying the filing fee. The court granted the IFP application, found that the complaint stated a claim and was not frivolous or malicious, and directed the Clerk to transmit notice of electronic filing to the Social Security Administration's Office of General Counsel and the United States Attorney's Office.

DISPOSITION

other

CASES CITED

- Escobedo v. Applebees, 787 F.3d 1226, 1234 (9th Cir. 2015)
- United States v. McQuade, 647 F.2d 938, 940 (9th Cir. 1981)
- Rowland v. California Men's Colony, Unit II Men's Advisory Council, 506 U.S. 194, 203 (1993)
- Adkins v. E.I. DuPont de Nemours & Co., 335 U.S. 331, 339 (1948)

- Calhoun v. Stahl, 254 F.3d 845, 845 (9th Cir. 2001) (per curiam)
- Vaughn J. v. O'Malley, No. 3:24-cv-1124-VET, 2024 WL 3732480, at *2 (S.D. Cal. Aug. 8, 2024)

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