

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Hoyos Mendoza v. Dudek

Hoyos Mendoza · No. 25-cv-365-DDL · Decided March 3, 2025

SUMMARY

The court grants Plaintiff Analaura H.M.’s application to proceed in forma pauperis in her action seeking judicial review of a final decision of the Commissioner of Social Security. The court also finds that the complaint satisfies the pleading requirements under the Supplemental Rules for Social Security Actions, states a plausible claim, and survives screening.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 SOUTHERN DISTRICT OF
CALIFORNIA 10 11 ANALAURA H.M., Case No.: 25-cv-365-DDL 12 Plaintiff, ORDER
GRANTING 13 v. APPLICATION TO PROCEED IN FORMA PAUPERIS 14 LELAND
DUDEK, Acting 15 Commissioner of Social Security, [Dkt. No. 2] Defendant. 16 17 18 On
February 19, 2025, Analaura H.M. (“Plaintiff”) filed a complaint seeking judicial 19 review of a
final adverse decision of the Commissioner pursuant to 42 U.S.C. § 405(g) and 20 1383(c)(3).

Dkt. No. 1. Plaintiff concurrently filed an application to proceed in forma 21 pauperis (the “IFP
Application”), which is presently before the Court. Dkt. No. 2. 22 A motion to proceed IFP
presents two issues for the Court’s consideration.

First, the 23 Court must determine whether an applicant properly shows an inability to pay the
civil 24 filing fee. See 28 U.S.C. §§ 1914(a), 1915(a). Second, the Court must evaluate whether 25
an applicant’s complaint sufficiently states a claim upon which relief may be granted. See 26
Lopez v. Smith, 203 F.3d 1122, 1127 (9th Cir. 200).

The Court addresses each issue below. 27 This Court may “authorize the commencement... of any
suit, action or proceeding, 28 civil or criminal, without prepayment of fees or security therefor” by
any person who 1 demonstrates his or her inability to pay such fees. See 28 U.S.C. § 1915(a)(1). A
party 2 need not be completely destitute to proceed IFP. Adkins v. E.I.

DuPont de Nemours & Co., 3 335 U.S. 331, 339-40 (1948). Instead, “[a]n affidavit in support of
an IFP application is 4 sufficient where it alleges that the affiant cannot pay the court costs and
still afford the 5 necessities of life.” Escobedo v. Applebees, 787 F.3d 1226, 1235 (9th Cir. 2015).
“[A] 6 plaintiff seeking IFP status must allege poverty with some particularity, definiteness and 7

certainty.” Id. 8 Here, Plaintiff declares she is unemployed and last worked in April 2020, has no 9 income, and has \$20,000 in an outstanding car loan.

Dkt. No. 2 at 1-2. She represents that 10 she receives disability payments through CALPERS in the amount of \$650 per month and 11 has a 2018 Chevy Colorado that is titled in her name. Id. at 2. She rents a room with her 12 daughter and contributes the entirety of her monthly CALPERS payment to rent. Id. Based 13 upon the record before it, the Court finds that Plaintiff has adequately demonstrated that 14 she lacks the financial resources to pay the filing fee and GRANTS Plaintiff’s IFP 15 Application.

16 Where the Court grants a litigant permission to proceed IFP, it must also screen the 17 complaint pursuant to Title 28, Section 1915(e)(2)(B) of the United States Code. The 18 statute requires dismissal where a complaint fails to state a claim upon which relief can be 19 granted, is frivolous or malicious, or seeks monetary relief from a defendant who is 20 immune.

See id. Since the Federal Rules of Civil Procedure’s Supplemental Rules for 21 Social Security Actions Under 42 U.S.C. § 405(g) (“Supplemental Rules”) became 22 effective on December 1, 2022, the standard for screening complaints in the Social Security 23 appeals context has changed. Rule 2 of the Supplemental Rules sets forth the requirements 24 for a Social Security plaintiff’s complaint.

Fed. R. Civ. P. SUPP SS Rule 2(b)(1)(A)-(E). 25 / / / 26 27 1 Unless otherwise noted, internal quotation marks, ellipses, brackets, citations, and 28 1 Under Rule 2, the complaint must: (1) state that the action is brought under § 405(g); 2 ||(2) identify the final decision to be reviewed; (3) state the name and the county of residence 3 the person for whom benefits are claimed; (4) name the person on whose wage record 4 || benefits are claimed; and (5) state the type of benefits claimed.

Jd. The Court has reviewed 5 || Plaintiff’s complaint and finds it satisfies these pleading requirements, states a plausible 6 ||claim for relief, and is neither frivolous nor malicious. Accordingly, the Complaint / ||survives screening, and the action may proceed. 8 9 || IT IS SO ORDERED. 10 || Dated: March 3, 2025 it 11 Tb lho a 13 United States Magistrate Judge 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28