

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

OPINION

Hoyos Mendoza v. Dudek

PER CURIAM.

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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 upon the record before it, the Court finds that Plaintiff has adequately demonstrated that she lacks the financial resources to pay the filing fee and GRANTS Plaintiff's IFP Application. Where the Court grants a litigant permission to proceed IFP, it must also screen the complaint pursuant to Title 28, Section 1915(e)(2)(B) of the United States Code. The statute requires dismissal where a complaint fails to state a claim upon which relief can be granted, is frivolous or malicious, or seeks monetary relief from a defendant who is immune. See id. Since the Federal Rules of Civil Procedure's Supplemental Rules for Social Security Actions Under 42 U.S.C. § 405(g) ("Supplemental Rules") became effective on December 1, 2022, the standard for screening complaints in the Social Security appeals context has changed. Rule 2 of the Supplemental Rules sets forth the requirements for a Social Security plaintiff's complaint. Fed. R. Civ. P. SUPP SS Rule 2(b)(1)(A)-(E). Unless otherwise noted, internal quotation marks, ellipses, brackets, citations, and 1 Under Rule 2, the complaint must: (1) state that the action is brought under § 405(g); (2) identify the final decision to be reviewed; (3) state the name and the county of residence of the person for whom benefits are claimed; (4) name the person on whose wage record benefits are claimed; and (5) state the type of benefits claimed. Id. The Court has reviewed Plaintiff's complaint and finds it satisfies these pleading requirements, states a plausible claim for relief, and is neither frivolous nor malicious. Accordingly, the Complaint survives screening, and the action may proceed. IT IS SO ORDERED. Dated: March 3, 2025 it is the order of the United States Magistrate Judge