

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Brian Douglas Hines v. Frank J. Bisignano, Commissioner of Social Security

Hines · No. 2:26-cv-00096-MDC · Decided January 26, 2026

SUMMARY

The United States District Court for the District of Nevada grants Brian Douglas Hines’s application to proceed in forma pauperis in his Social Security disability benefits appeal. The court finds that the complaint plausibly challenges the Commissioner’s decision as unsupported by substantial evidence and directs the clerk to file and serve the complaint under the applicable Supplemental Rules for Social Security Actions.

CASE DETAILS

COURT	United States District Court for the District of Nevada
JURISDICTION	United States District Court for the District of Nevada
DECIDED	January 26, 2026
DOCKET	2:26-cv-00096-MDC
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed an application to proceed in forma pauperis and a complaint seeking judicial review of the Commissioner of Social Security's denial of disability insurance benefits.
STANDARD OF REVIEW	On screening under 28 U.S.C. § 1915(e), the court applies the Rule 12(b)(6) plausibility standard, accepting material allegations as true and construing them in the light most favorable to the plaintiff.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court order
PARTIES	Brian Douglas Hines v. Frank J. Bisignano, Commissioner of Social Security

TOPICS

administrative law judicial review of agency action civil procedure motions to dismiss

PRACTICE AREAS

Social Security administrative law civil procedure

QUESTIONS PRESENTED

1. Whether plaintiff demonstrated that he was unable to pay the filing fee or give security and therefore could proceed in forma pauperis.
2. Whether the complaint stated a plausible claim for judicial review of the Commissioner's denial of disability insurance benefits.
3. Whether the court had jurisdiction over plaintiff's appeal under the Social Security Act.

HOLDINGS

1. Plaintiff adequately demonstrated that he was unable to pay the filing fee or give security, so the court granted his application to proceed in forma pauperis.
2. The complaint stated a claim upon which relief could be granted and could proceed past screening under 28 U.S.C. § 1915(e).
3. The court had jurisdiction over plaintiff's appeal from the Commissioner's denial of disability insurance benefits.

KEY QUOTATIONS

“To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.” (at 1)

“When a court dismisses a complaint under § 1915(e), the plaintiff should be given leave to amend the complaint with directions as to curing its deficiencies, unless it is clear from the face of the complaint that the deficiencies could not be cured by amendment.” (at 1)

FACTUAL BACKGROUND

Plaintiff receives approximately \$2,042 per month in disability benefits, has approximately \$1,200 in a USAA checking account, and reports monthly expenses of approximately \$2,200. He had not worked since 2023 and reported no current assets. The complaint challenged an unfavorable decision by the Commissioner denying his application for disability insurance benefits and alleged that the Administrative Law Judge's decision was unsupported by substantial evidence.

PROCEDURAL HISTORY

Hines filed a Social Security appeal in the District of Nevada, together with an application to proceed in forma pauperis. The court granted the application, screened the complaint under 28 U.S.C. § 1915(e), found that it stated a plausible claim for relief, and directed the clerk to file and serve the complaint on the Commissioner.

DISPOSITION

other

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Russell v. Landrieu, 621 F.2d 1037, 1039 (9th Cir. 1980)
- Cato v. United States, 70 F.3d 1103, 1106 (9th Cir. 1995)

OPINION

1 UNITED STATES DISTRICT COURT 2 DISTRICT OF NEVADA 3 4 Brian Douglas Hines, Case No. 2:26-cv-00096-MDC 5 Plaintiff, ORDER GRANTING PLAINTIFF'S 6 vs. APPLICATION TO PROCEED IN FORMA Frank J. Bisignano, Commissioner of Social PAUPERIS (ECF NO. 1) AND SCREENING 7 Security, PLAINTIFF'S COMPLAINT (ECF NO. 1-1) 8 Defendant. 9 10 Plaintiff Brian Douglas Hines filed a Motion/Application to Proceed In Forma Pauperis ("IFP") 11 and Complaint.

ECF Nos. 1, 1-1. This is a social security appeal and plaintiff is represented by counsel. 12 The Court GRANTS plaintiff's IFP application. 13 I. Whether Plaintiff May Proceed in Forma Pauperis 14 Plaintiff filed a long-form IFP application. ECF No. 1. Plaintiff lists that he gets \$2,042 monthly 15 in disability benefits, and has \$1200 in his USAA checking account.

Id. at 1-2. Plaintiff then lists that he 16 spends around \$2,200 in monthly expenses on his rent, utilities, food, credit card installment payments, 17 and in approximate payments for his nephew to get gas. Id. at 4-5. Plaintiff seems to thus spend most or 18 all of his monthly income on his monthly expenses. Plaintiff also has not worked since 2023 and has no 19 current assets.

See id. at 2-3. Therefore, the Court finds that plaintiff adequately shows he "is unable to 20 pay such fees or give security therefor." 28 U.S.C. § 1915(a)(1). Plaintiff may proceed with this action 21 without paying the filing fee. 22 // 23 // 24 // 25 1 1 II. Whether Plaintiff's Complaint States a Plausible Claim 2 a. Legal Standard 3 Upon granting a request to proceed in forma pauperis, a court must additionally screen a complaint 4 pursuant to § 1915(e).

Federal courts are given the authority to dismiss a case if the action is legally 5 "frivolous or malicious," fails to state a claim upon which relief may be granted or seeks monetary relief 6 from a defendant who is immune from such relief. See § 1915(e)(2). "To survive a motion to dismiss, a 7 complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible 8 on its face." Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (internal quotations and citation omitted).

9 In considering whether the plaintiff has stated a claim upon which relief can be granted, all material 10 allegations in the complaint are accepted as true and are to be construed in the light most favorable to the 11 plaintiff. Russell v. Landrieu, 621 F.2d 1037, 1039 (9th Cir. 1980). When a court dismisses a complaint 12 under § 1915(e), the plaintiff should be given leave to amend the complaint with directions as to curing 13 its deficiencies, unless it is clear from the face of the complaint that the deficiencies could not be cured by 14 amendment.

See *Cato v. United States*, 70 F.3d 1103, 1106 (9th Cir. 1995) (citation omitted). 15 b. Complaint
16 Plaintiff's complaint arises from an unfavorable decision by the Commissioner of Social
Security 17 Administration. ECF No. 1-1. Plaintiff asserts that he is disabled as that term is
defined in the Social 18 Security Act, and that he filed an application for disability insurance
benefits.

Id. The Commissioner 19 denied the application. Id. He argues that the Administrative Law
Judge's decision is not supported by 20 substantial evidence. Id. Plaintiff has appealed the decision
of the Commissioner to this Court. Id. 21 Plaintiff may appeal to this Court the Commissioner's
denial of his application for Disability 22 Insurance Benefits under Title II of the Social Security
Act.

See 42 U.S.C. §§ 401-433. This Court has 23 jurisdiction over the matter. Id. Construing plaintiff's
allegations in the light most favorable to plaintiff, 24 25 2 1 Court finds that plaintiff has asserted a
claim upon which relief can be granted. See *Russell*, 621 F.2d 2 |} at 1039. 3 ACCORDINGLY,
and for good cause shown, 4 IT IS ORDERED that: 5 1. Plaintiff's Application to Proceed in
Forma Pauperis (ECF No. 1) is GRANTED.

Plaintiff is 6 permitted to maintain this action without the necessity of prepayment of fees or costs
or the 7 giving of security. 8 2. The Clerk of the Court is directed to file the complaint (ECF No. 1-
1). The complaint shall 9 be served on the Commissioner in accordance with Rule 3 of the
Supplemental Rules for 10 Social Security Actions under 42 U.S.C. § 405(g).

11 IT IS SO ORDERED. 12 DATED: January 26, 2026. af 14 oifacck 3 Yprited States
MagistateJudge UV 17 18 19 20 21 22 23 24 25