

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

OPINION

Hines

PER CURIAM.

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 Yprinted States MagistyteJudge UV 17 18 19 20 21 22 23 24 25