

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Luis B. v. Frank Bisignano, Commissioner of Social Security

Luis B. v. Bisignano, Case No. 3:25-cv-03484-AHG (S.D. Cal. Dec. 17, 2025) · No. 3:25-cv-03484-AHG ·
Decided December 17, 2025

SUMMARY

The United States District Court for the Southern District of California grants Luis B.'s motion to proceed in forma pauperis in his action seeking review of the denial of Social Security disability insurance benefits and Supplemental Security Income. The court finds that Plaintiff demonstrated inability to pay the filing fee and that his complaint satisfies the pleading requirements of the Supplemental Rules for Social Security Actions and survives screening under 28 U.S.C. § 1915(e)(2)(B).

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Allison H. Goddard
JURISDICTION	United States District Court for the Southern District of California
DECIDED	December 17, 2025
DOCKET	3:25-cv-03484-AHG
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought an action under 42 U.S.C. § 405(g) seeking judicial review of the Commissioner's final decision denying Social Security disability insurance benefits and Supplemental Security Income. Plaintiff moved to proceed in forma pauperis. The court granted the motion and screened the complaint under 28 U.S.C. § 1915(e)(2)(B).
STANDARD OF REVIEW	For in forma pauperis eligibility, the court evaluated whether Plaintiff adequately demonstrated indigence. For screening, the court applied 28 U.S.C. § 1915(e)(2)(B) and Federal Rules of Civil Procedure Supplemental Rule 2 for Social Security Actions under 42 U.S.C. § 405(g), determining whether the complaint was frivolous or malicious, failed to state a claim, sought monetary relief from an immune defendant, and satisfied the specified pleading requirements.
PRECEDENTIAL VALUE	Nonprecedential district court order

TOPICS

pleadings

service of process

civil procedure

administrative law

agency adjudication

PRACTICE AREAS

civil procedure

administrative law

Social Security judicial review

in forma pauperis proceedings

QUESTIONS PRESENTED

1. Whether Plaintiff demonstrated sufficient indigence to proceed without prepaying the \$405 civil filing fee under 28 U.S.C. § 1915(a).
2. Whether the complaint satisfied the mandatory screening requirements of 28 U.S.C. § 1915(e)(2)(B).
3. Whether the complaint satisfied the pleading requirements of Federal Rules of Civil Procedure Supplemental Rule 2 for Social Security actions under 42 U.S.C. § 405(g).
4. Whether service could be effected through electronic notice to the Social Security Administration's Office of General Counsel and the United States Attorney's Office under Supplemental Rule 3 and General Order 747.

HOLDINGS

1. Plaintiff sufficiently demonstrated an inability to pay the \$405 filing fee, so the court granted leave to proceed in forma pauperis.
2. A Social Security appeal filed under the in forma pauperis provisions is subject to mandatory screening under 28 U.S.C. § 1915(e)(2)(B).
3. Supplemental Rule 2, rather than inconsistent provisions of the Federal Rules of Civil Procedure, governs whether a complaint in a Social Security action under 42 U.S.C. § 405(g) sufficiently states a claim for relief.
4. The complaint survived screening because it satisfied Supplemental Rule 2(b), was not frivolous or malicious, and did not seek monetary relief from an immune defendant.

KEY QUOTATIONS

“1915(e) not only permits but requires a district court to dismiss an in forma pauperis complaint that fails to state a claim.” (at 3)

“Screening is required even if the plaintiff pursues an appeal of right, such as an appeal of the Commissioner's denial of social security disability benefits [under 42 U.S.C. 405(g)].” (at 4)

“Plaintiff's Complaint satisfies all pleading requirements of Rule 2(b) of the Supplemental Rules for Social Security Actions, and there is no indication that the Complaint is frivolous or malicious or seeks monetary relief from a defendant who is immune from such relief.” (at 5)

FACTUAL BACKGROUND

Plaintiff stated that he received approximately \$600 per month in general relief public assistance and \$181 per month in food stamps, with much of that income offset by the cost of staying in a hotel during the week because he was homeless. He had been unemployed for two years and had no funds in a checking or savings account. His complaint challenged the Commissioner's final denial of disability insurance benefits and Supplemental Security Income, asserting that the record lacked substantial medical or vocational evidence supporting the finding that he was not disabled.

PROCEDURAL HISTORY

On December 9, 2025, Luis B. filed a complaint challenging the Commissioner's final administrative decision and moved to proceed in forma pauperis. The court found that Plaintiff demonstrated inability to pay the filing fee and that the complaint satisfied the pleading requirements applicable to Social Security actions under Supplemental Rule 2. The complaint survived mandatory screening, and the court directed that electronic notice to the Social Security Administration and the United States Attorney's Office would serve in lieu of a summons.

DISPOSITION

other

CASES CITED

- Lopez v. Smith, 203 F.3d 1122, 1127, 1129 (9th Cir. 2000)
- Adkins v. E.I. DuPont de Nemours & Co., 335 U.S. 331, 339-40 (1948)
- Escobedo v. Applebees, 787 F.3d 1226, 1234-36 (9th Cir. 2015)
- Cal. Men's Colony v. Rowland, 939 F.2d 854, 858 (9th Cir. 1991), rev'd on other grounds, 506 U.S. 194 (1993)
- Venable v. Meyers, 500 F.2d 1215, 1216 (9th Cir. 1974)
- Hoagland v. Astrue, No. 1:12-cv-00973-SMS, 2012 WL 2521753, at *1, *2-3 (E.D. Cal. June 28, 2012)
- Calhoun v. Stahl, 254 F.3d 845, 845 (9th Cir. 2001)
- Jaime B. v. Saul, No. 3:19-CV-02431-JLB, 2020 WL 1169671, at *3 (S.D. Cal. Mar. 10, 2020)
- Detra H. v. Kijakazi, No. 3:22-CV-01162-AHG, 2022 WL 4230547, at *2 (S.D. Cal. Aug. 10, 2022)

OPINION

Bonilla
PER CURIAM.
1 2 3 4 5 6 7
8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10 11 LUIS B., Case No.: 3:25-cv-03484-AHG 12 Plaintiff, ORDER GRANTING MOTION FOR
LEAVE TO PROCEED IN FORMA
13 v.
PAUPERIS

14 FRANK BISIGNANO, Commissioner of Social Security, [ECF No. 3] 15 Defendant. 16 17 18
On December 9, 2025, Plaintiff Luis B. (“Plaintiff”) brought this action against the 19
Commissioner of Social Security, Frank Bisignano, seeking judicial review of the 20
Commissioner’s final administrative decision denying his application for Social Security 21
disability insurance benefits and Supplemental Security Income for lack of disability. ECF
22 No. 1. Along with his Complaint, Plaintiff also filed a Motion for Leave to Proceed in
23 forma pauperis (“IFP”) under 28 U.S.C. § 1915. ECF No. 3.

24 I. LEGAL STANDARD

25 A motion to proceed IFP presents two issues for the Court’s consideration. First, the 26 Court
must determine whether an applicant properly shows an inability to pay the \$405 27 civil filing fee
required by this Court. See 28 U.S.C. §§ 1914(a), 1915(a). To that end, an 28 applicant must also
provide the Court with a signed affidavit “that includes a statement of 1 all assets[,] which shows
inability to pay initial fees or give security.” CivLR 3.2(a). 2 Second, § 1915(e)(2)(B)(ii) requires
the Court to evaluate whether an applicant’s complaint 3 sufficiently states a claim upon which
relief may be granted. See *Lopez v. Smith*, 203 F.3d 4 1122, 1127 (9th Cir. 2000) (“1915(e) not
only permits but requires a district court to 5 dismiss an in forma pauperis complaint that fails to
state a claim.”).

6 II. DISCUSSION

7 A. Motion to Proceed IFP 8 An applicant need not be completely destitute to proceed IFP, but he
must adequately 9 prove his indigence. *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331,
339–40 10 (1948). An adequate affidavit should “allege[] that the affiant cannot pay the court costs
11 and still afford the necessities of life.” *Escobedo v. Applebees*, 787 F.3d 1226, 1234 (9th
12 Cir. 2015) (citing *Adkins*, 335 U.S. at 339). No exact formula is “set forth by statute,
13 regulation, or case law to determine when someone is poor enough to earn IFP status.” 14
Escobedo, 787 F.3d at 1235. Consequently, courts must evaluate IFP requests on a case- 15 by-
case basis. See *id.* at 1235–36 (declining to implement a general benchmark of “twenty 16 percent
of monthly household income”); see also *Cal. Men’s Colony v. Rowland*, 939 F.2d 17 854, 858
(9th Cir. 1991) (requiring that district courts evaluate indigency based upon 18 available facts and
by exercise of their “sound discretion”), *rev’d on other grounds*, 506 19 U.S. 194 (1993); *Venable*
v. Meyers, 500 F.2d 1215, 1216 (9th Cir. 1974). 20 Here, Plaintiff states in his affidavit that he
receives \$600 per month in general relief 21 public assistance and \$181 per month in food stamps,
income that is largely offset by the 22 cost of staying in a hotel during the week, as Plaintiff is
homeless. ECF No. 3 at 2, 4-5. 23 Plaintiff further avers that he has been unemployed for the past
two years and has no funds 24 in either a checking or savings account. *Id.* at 2. Based on the
information in the affidavit, 25 the Court finds that Plaintiff has sufficiently demonstrated an
inability to pay the \$405 26 filing fee under § 1915(a). 27 // 28 // 1 B. Screening under 28 U.S.C.
1915(e) 2 As discussed above, every complaint filed pursuant to the IFP provisions of 28 3 U.S.C.
§ 1915 is subject to a mandatory screening by the Court under Section 4 1915(e)(2)(B). *Lopez*,

203 F.3d at 1127. Under that subprovision, the Court must dismiss 5 complaints that are frivolous or malicious, fail to state a claim on which relief may be 6 granted, or seek monetary relief from defendants who are immune from such relief. See 28 U.S.C. § 1915(e)(2)(B). Social Security appeals are not exempt from this screening 8 requirement. See *Hoagland v. Astrue*, No. 1:12-cv-00973-SMS, 2012 WL 2521753, at *1 9 (E.D. Cal. June 28, 2012) (“Screening is required even if the plaintiff pursues an appeal of 10 right, such as an appeal of the Commissioner’s denial of social security disability benefits 11 [under 42 U.S.C. 405(g)].”); see also *Calhoun v. Stahl*, 254 F.3d 845, 845 (9th Cir. 2001) 12 (affirming that “the provisions of 28 U.S.C. § 1915(e)(2)(B) are not limited to prisoners”); 13 *Lopez*, 203 F.3d at 1129. 14 In the past, this Court and others have applied the familiar Rule 8 pleading standard 15 to conduct the mandatory screening of complaints under the IFP statute in Social Security 16 appeals brought pursuant to 42 U.S.C. § 405(g). See, e.g., *Hoagland*, 2012 WL 2521753, 17 at *2-3; (applying Fed. R. Civ. P. 8(a) to determine the sufficiency of a complaint in a 18 Social Security appeal); *Jaime B. v. Saul*, No. 3:19-CV-02431-JLB, 2020 WL 1169671, at 19 *3 (S.D. Cal. Mar. 10, 2020) (same); *Detra H. v. Kijakazi*, No. 3:22-CV-01162-AHG, 2022 20 WL 4230547, at *2 (S.D. Cal. Aug. 10, 2022) (same). However, since the Federal Rules of 21 Civil Procedure’s Supplemental Rules for Social Security Actions Under 42 U.S.C. 22 § 405(g) (“Supplemental Rules”) became effective on December 1, 2022, the standard for 23 screening complaints in the Social Security appeals context has changed. Now, to the extent 24 that the Federal Rules of Civil Procedure are inconsistent with the Supplemental Rules, the 25 Court must apply the Supplemental Rules rather than the Civil Rules. Fed. R. Civ. P. SUPP 26 SS Rule 2 Committee Note. “Supplemental Rules 2, 3, 4, and 5 are the core of the 27 provisions that are inconsistent with, and supersede, the corresponding rules on pleading, 28 service, and presenting the action for decision.” *Id.*

1 Rule 2 of the Supplemental Rules for Social Security Actions sets forth the
2 requirements for a complaint in an action appealing the decision of the Commissioner. 3
Accordingly, the Court must apply Rule 2 to determine whether Plaintiff’s Complaint 4
sufficiently states a claim for relief. Under that Rule, the complaint must: 5 (A) state that the
action is brought under § 405(g); (B) identify the final decision to be reviewed, including any
identifying 6 designation provided by the Commissioner with the final decision; 7 (C) state the
name and the county of residence of the person for whom benefits are claimed; 8 (D) name the
person on whose wage record benefits are claimed; and 9 (E) state the type of benefits claimed. 10
Fed. R. Civ. P. SUPP SS Rule 2(b)(1)(A)-(E). Additionally, Rule 2(b)(2) provides that the 11
complaint may “include a short and plain statement of the grounds for relief.” 12 In his Complaint,
Plaintiff (1) states that he brings this action pursuant to § 405(g); 13 (2) identifies the final
decision of the Commissioner to be reviewed as the Administrative 14 Law Judge’s (“ALJ”)
decision that became final on October 21, 2025 after the Appeals 15 Council declined to assume
jurisdiction; (3) provides his name and county of residence on 16 the cover sheet; (4) provides that
he is claiming benefits on his own wage record; and 17 (5) states the type of benefits. ECF No. 1

¶¶ 1, 3, 6, 9; ECF No. 1-1. Plaintiff further 18 includes a description of his grounds for relief in the Complaint, including that there is not 19 substantial medical or vocational evidence in the record to support the legal conclusion that 20 Plaintiff is not disabled. ECF No. 1 at 2-3. 21 Plaintiff's Complaint satisfies all pleading requirements of Rule 2(b) of the 22 Supplemental Rules for Social Security Actions, and there is no indication that the 23 Complaint is frivolous or malicious or seeks monetary relief from a defendant who is 24 immune from such relief. Accordingly, the Court finds that the Complaint survives 25 screening under 28 U.S.C. § 1915(e)(2)(B). 26 // 27 // 28 // 1 rl. CONCLUSION 2 Based on the foregoing considerations, the Court GRANTS Plaintiff's Motion to 3 // Proceed IFP (ECF No. 3). 4 In accordance with Rule 3 of the Federal Rules of Civil Procedure's Supplemental 5 //Rules for Social Security Actions, and this District's General Order 747, a notice of 6 //electronic filing shall be transmitted to the Social Security Administration's Office of 7 // General Counsel and to the United States Attorney's Southern District of California office 8 lieu of service of a summons. No further action by Plaintiff is needed to effect service 9 // of the Complaint, as the Clerk's Office already transmitted the notice of electronic filing 10 the Complaint to Defendant in the instant case. See ECF No. 4, NEF ("The Notice of 11 //Electronic Filing of the complaint sent by the court to the Commissioner suffices for 12 // service of the complaint. The Plaintiff need not serve a summons and complaint under Civil 13 4."). 14 IT IS SO ORDERED. 15 //Dated: December 17, 2025 ° Men H. Xylolead 17 Honorable Allison H. Goddard 18 United States Magistrate Judge 19 20 21 22 23 24 25 26 27 28