

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Martin R. v. Frank J. Bisignano, Commissioner of Social Security, et al.

Martin R. · No. 2:25-cv-02134-MDC · Decided December 9, 2025

OPINION

Martin R. v. Frank J. Bisignano, Commissioner of Social Security, et al.

PER CURIAM.

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 4 Martin R., 2:25-cv-02134-MDC 5 Plaintiff(s),

ORDER GRANTING SOCIAL SECURITY

6 vs.

IFP APPLICATION AND SCREENING

7 COMPLAINT (ECF NO. 1)

Frank J. Bisignano, Commissioner of Social 8 Security, et al., 9 Defendant(s). 10 Plaintiff Martin R.'s Motion/Application to Proceed In Forma Pauperis ("IFP") and Complaint. 11 ECF Nos. 1 and 1-1. This is a social security appeal and plaintiff is represented by counsel. The Court 12 GRANTS plaintiff's IFP application. 13

I. WHETHER PLAINTIFF MAY PROCEED IN FORMA PAUPERIS

14 Plaintiff's IFP application is complete as he provides responses to all questions. ECF No. 1. 15 Plaintiff is unemployed and has minimal assets. Id. The Court grants plaintiff's IFP application. 16

II. WHETHER PLAINTIFF'S COMPLAINT STATES A PLAUSIBLE CLAIM

17 A. Legal Standard 18 Upon granting a request to proceed in forma pauperis, a court must additionally screen a complaint 19 pursuant to § 1915(e). Federal courts are given the authority to dismiss a case if the action is legally 20 "frivolous or malicious," fails to state a claim upon which relief may be granted or seeks monetary relief 21 from a defendant who is immune from such relief. See § 1915(e)(2). "To survive a motion to dismiss, a 22 complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible 23 on its face." Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (internal quotations and citation omitted). 24 25 1 1 In considering whether the plaintiff has stated a claim upon which relief can be granted, all material 2 allegations in the complaint are accepted as true and are to be construed in the light most favorable to the 3 plaintiff. Russell v. Landrieu, 621 F.2d 1037, 1039 (9th Cir. 1980). When a court dismisses a complaint 4 under § 1915(e), the plaintiff should be given leave to amend the complaint with directions as to curing 5 its deficiencies, unless it is clear from the face of the complaint that the deficiencies could not be cured by 6 amendment. See Cato v. United States, 70

F.3d 1103, 1106 (9th Cir. 1995) (citation omitted). 7 B. Complaint 8 Plaintiff's complaint arises from an unfavorable decision by the Commissioner of Social Security 9 Administration. ECF No. 1-1. Plaintiff asserts that he is disabled as that term is defined in the Social 10 Security Act, and that he filed an application for disability insurance benefits. Id. The Commissioner 11 denied the application. Id. He argues that the Administrative Law Judge's decision is not supported by 12 the evidence. Id. Plaintiff has appealed the decision of the Commissioner to this Court. Id. 13 Plaintiff may appeal to this Court the Commissioner's denial of his application for Disability 14 Insurance Benefits under Title II of the Social Security Act. See 42 U.S.C. §§ 401-433. This Court has 15 jurisdiction over the matter. Id. Construing plaintiff's allegations in the light most favorable to plaintiff, 16 the Court finds that plaintiff has asserted a claim upon which relief can be granted. See Russell, 621 F.2d 17 at 1039. 18 ACCORDINGLY, and for good cause shown, 19 IT IS ORDERED that: 20 1. Plaintiff's Application to Proceed In Forma Pauperis (ECF No. 1) is GRANTED. Plaintiff 21 is permitted to maintain this action without the necessity of prepayment of fees or costs or the 22 giving of security. 23 2. The Clerk of the Court is directed to file the complaint (ECF No. 1-1). The complaint shall 24 be served on the Commissioner in accordance with Rule 3 of the Supplemental Rules for 25 2 1 Social Security Actions under 42 U.S.C. § 405(g).

2 IT IS SO ORDERED. Lf,

3 DATED December 9, 2025. ' L A 5 Hon? Maximiliano D. be I ' fied States Mavis e Judge 7 8 9
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