

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF  
CALIFORNIA

J.J. v. Commissioner of Social Security

J.J. v. Commissioner · No. 25-cv-06625-PHK · Decided October 7, 2025

SUMMARY

The United States District Court for the Northern District of California dismissed Plaintiff J.J.’s Social Security disability benefits complaint without prejudice under 28 U.S.C. § 1915(e)(2)(B). The court concluded that the complaint failed to satisfy the pleading requirements of Federal Rule of Civil Procedure Supplemental Rule 2(b)(1), including requirements concerning Plaintiff’s identity and the person whose wage record supported the claimed benefits. The court granted leave to amend by November 12, 2025.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Northern District of California                                                                                                                                                                                                                                                                                                                                                     |
| WRITING FOR THE COURT | Peter H. Kang                                                                                                                                                                                                                                                                                                                                                                                                            |
| JURISDICTION          | United States District Court for the Northern District of California                                                                                                                                                                                                                                                                                                                                                     |
| DECIDED               | October 7, 2025                                                                                                                                                                                                                                                                                                                                                                                                          |
| DOCKET                | 25-cv-06625-PHK                                                                                                                                                                                                                                                                                                                                                                                                          |
| DISPOSITION           | dismissed                                                                                                                                                                                                                                                                                                                                                                                                                |
| PROCEDURAL POSTURE    | Plaintiff filed an in forma pauperis action under 42 U.S.C. § 405(g) seeking judicial review of the Commissioner's denial of disability insurance benefits. The district court screened the complaint sua sponte under 28 U.S.C. § 1915(e)(2)(B) and dismissed it without prejudice for failure to satisfy the pleading requirements of Federal Rule of Civil Procedure Supplemental Social Security Rule 2(b)(1).       |
| STANDARD OF REVIEW    | Under 28 U.S.C. § 1915(e)(2)(B), an in forma pauperis complaint must be dismissed if it is frivolous or malicious, fails to state a claim, or seeks monetary relief from an immune defendant. The failure-to-state-a-claim inquiry uses the same standard as Federal Rule of Civil Procedure 12(b)(6), while the sufficiency of a Social Security complaint is assessed under Supplemental Social Security Rule 2(b)(1). |
| PRECEDENTIAL VALUE    | unpublished district court order                                                                                                                                                                                                                                                                                                                                                                                         |

## PARTIES

J.J. v. Commissioner of Social Security

## TOPICS

pleadings

civil procedure

judicial review of agency action

administrative law

## PRACTICE AREAS

Social Security

federal civil procedure

administrative law

## QUESTIONS PRESENTED

1. Whether the complaint was subject to mandatory screening under 28 U.S.C. § 1915(e)(2)(B).
2. Whether the complaint was frivolous, malicious, or sought monetary relief from an immune defendant.
3. Whether the complaint satisfied the minimum pleading requirements for a Social Security action under Federal Rule of Civil Procedure Supplemental Social Security Rule 2(b)(1).
4. Whether dismissal should be without prejudice and accompanied by leave to amend.

## HOLDINGS

1. A complaint filed by a plaintiff proceeding in forma pauperis, including a complaint seeking review of a Social Security decision, is subject to mandatory screening and possible sua sponte dismissal under 28 U.S.C. § 1915(e)(2)(B).
2. The complaint was not frivolous or malicious and did not seek monetary relief from an immune defendant because it sought judicial review and reversal of the benefits decision rather than damages, had an arguable basis in law and fact, and showed no intent to harm another.
3. The complaint failed to state a claim because it did not clearly identify the plaintiff and claimant, did not identify the person on whose wage record benefits were claimed, and therefore did not satisfy the minimum pleading requirements of Supplemental Rule 2(b)(1).

## KEY QUOTATIONS

*“Any complaint filed pursuant to the IFP provisions of § 1915(a) is subject to mandatory review by the Court and sua sponte dismissal if the Court determines the complaint is “frivolous or malicious,” “fails to state a claim on which relief may be granted,” or “seeks monetary relief against a defendant who is immune from such relief.””* (at 1)

*“The standard for determining whether a plaintiff has failed to state a claim upon which relief may be granted under § 1915(e)(2)(B)(ii) is the same as the Federal Rule of Civil Procedure 12(b)(6) standard for failure to state a claim.”* (at 3)

## FACTUAL BACKGROUND

Plaintiff sought judicial review under 42 U.S.C. § 405(g) of a final decision denying disability insurance benefits. The complaint identified an adverse hearing decision dated October 16, 2024, which allegedly became

the Commissioner's final decision on June 10, 2025. The complaint used a name that differed from the name appearing on the docket and in the in forma pauperis application, did not clearly identify the claimant, and did not identify the person whose wage record supported the benefits claim.

**PROCEDURAL HISTORY**

Plaintiff filed a complaint seeking review of an adverse Social Security decision and separately obtained leave to proceed in forma pauperis. The court determined that the complaint was not frivolous, malicious, or seeking immune monetary relief, but found that it failed to adequately identify the claimant and the wage-record holder as required by Supplemental Rule 2(b)(1). The complaint was dismissed without prejudice, with leave to amend by November 12, 2025.

**DISPOSITION**

dismissed

**REMAND INSTRUCTIONS**

Plaintiff was granted leave to file an amended complaint correcting the identified deficiencies by November 12, 2025, unless the deadline was extended by court order.

**CASES CITED**

- Calhoun v. Stahl, 254 F.3d 845, 845 (9th Cir. 2001)
- Hoagland v. Astrue, No. 1:12-cv-00973-SMS, 2012 WL 2521753, at \*1 (E.D. Cal. June 28, 2012)
- Denton v. Hernandez, 504 U.S. 25, 31 (1992)
- Neitzke v. Williams, 490 U.S. 319, 325 (1989)
- Andrews v. King, 398 F.3d 1113, 1121 (9th Cir. 2005)
- Morris v. Nev. Gaming Control Bd., 2017 WL 4532152 (D. Nev. Oct. 10, 2017)
- Ashcroft v. Iqbal, 556 U.S. 662, 679 (2009)
- Lynnmarie E. v. Saul, No. 21-cv-00244-JLB, 2021 WL 2184828, at \*2 (S.D. Cal. May 28, 2021)
- Watison v. Carter, 668 F.3d 1108, 1112 (9th Cir. 2012)
- Lopez v. Smith, 203 F.3d 1122, 1127 (9th Cir. 2000)
- Conservation Force v. Salazar, 646 F.3d 1240, 1241-42 (9th Cir. 2011)
- Navarro v. Block, 250 F.3d 729, 732 (9th Cir. 2001)
- Giselle N. v. Kijakazi, 694 F. Supp. 3d 1193, 1197 (N.D. Cal. 2023)

**OPINION**

1 2 3 4 UNITED STATES DISTRICT COURT 5 NORTHERN DISTRICT OF CALIFORNIA 6  
SAN FRANCISCO DIVISION 7 8 J.J.,1 Case No. 25-cv-06625-PHK 9 Plaintiff, ORDER  
DISMISSING COMPLAINT WITHOUT PREJUDICE PURSUANT 10 v. TO 28 U.S.C. §  
1915(e)(2)(B) 11 COMMISSIONER OF SOCIAL Re: Dkt. 1 SECURITY, 12 Defendant. 13 14 In

this action under the Social Security Act, 42 U.S.C. § 405(g), Plaintiff J.J. seeks judicial review of a final decision by the Commissioner of the Social Security Administration (“Commissioner”) denying Plaintiff’s application for disability insurance benefits.

[Dkt. 1]. The Court separately granted Plaintiff’s application to proceed in forma pauperis (“IFP”), in accordance with 28 U.S.C. § 1915(a). [Dkt. 5]. The Court now undertakes a determination of whether Plaintiff’s Complaint must be dismissed pursuant to the requirements of § 1915(e)(2)(B). Any complaint filed pursuant to the IFP provisions of § 1915(a) is subject to mandatory review by the Court and sua sponte dismissal if the Court determines the complaint is “frivolous or malicious,” “fails to state a claim on which relief may be granted,” or “seeks monetary relief against a defendant who is immune from such relief.” 28 U.S.C. § 1915(e)(2)(B)(i)-(iii).

Complaints in social security cases are not exempt from this screening requirement. See Calhoun In actions involving requested review of a decision by the Commissioner of the Social Security Administration, the Court generally uses the first name and initial of last name (or just both initials) of the Plaintiff in the Court’s public Orders out of an abundance of caution and out of regard for the 1 v. Stahl, 254 F.3d 845, 845 (9th Cir.

2001) (“[T]he provisions of 28 U.S.C. § 1915(e)(2)(B) are not limited to prisoners.”); see also Hoagland v. Astrue, No. 1:12-cv-00973-SMS, 2012 WL 2521753, 3 at \*1 (E.D. Cal. June 28, 2012)) (“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.”). As an initial matter, the Court finds that the instant Complaint does not “seek[] monetary relief against a defendant who is immune from such relief.” 28 U.S.C. § 1915(e)(2)(B)(iii).

First, the Complaint does not seek monetary relief in the form of damages from the Commissioner, but rather seeks a judgment and order reversing the Commissioner’s decision on the benefits at issue. [Dkt. 1]. Second, the Commissioner is not immune from the relief requested.

To the contrary, the Social Security Act expressly authorizes federal judicial review of “any final decision of the Commissioner of Social Security made after a hearing to which [the plaintiff] was a party.” 42 U.S.C. § 405(g). For similar reasons, the Court finds that Plaintiff’s Complaint is not frivolous. 28 U.S.C. § 1915(e)(2)(B)(i). A complaint is frivolous if “it lacks an arguable basis either in law or in fact.” 15 Denton v. Hernandez, 504 U.S. 25, 31 (1992) (quoting Neitzke v. Williams, 490 U.S. 319, 325 (1989)).

That is, a “case is frivolous if it is ‘of little weight or importance: having no basis in law or fact.’” Andrews v. King, 398 F.3d at 1121. As noted, § 405(g) provides the legal basis for Plaintiff’s request for judicial review of the Commissioner’s decision at issue.

The Complaint 19 therefore readily has an arguable basis in law. Further, the Commissioner's final decision denied 20 Plaintiff the requested benefits, and (as discussed further below) Plaintiff's Complaint raises 21 factual bases and arguments as to why that final decision is allegedly incorrect. See Dkt. 1.

Thus, 22 the Court finds that the Complaint has an arguable basis in law and fact under § 1915(e)(2)(B)(i). 23 The Court next considers whether Plaintiff's Complaint is "malicious." 28 U.S.C. 24 § 1915A(b)(1). A complaint is malicious "if it was filed with the 'intention or desire to harm 25 another.'" *Andrews v. King*, 398 F.3d 1113, 1121 (9th Cir. 2005) (citations omitted).

The 26 Complaint here has no indicia that Plaintiff has an "intention or desire to harm another" through 27 this action, such as by being duplicative. Cf. *Morris v. Nev. Gaming Control Bd.*, No. 3:16-cv- 1 adopted, 2017 WL 4532152 (D. Nev. Oct. 10, 2017) ("The court notes that duplicative litigation 2 by a plaintiff proceeding in forma pauperis may be dismissed as malicious under 28 U.S.C. 3 § 1915(e).").

Rather, the Complaint indicates Plaintiff's desire to obtain reversal of a ruling 4 denying them disability insurance benefits. Based on the analysis of the averments of the 5 Complaint detailed below, the Court finds that Plaintiff's Complaint is not malicious. 28 U.S.C. 6 § 1915(e)(2)(B)(i). 7 As in most social security cases, the bulk of the § 1915(e)(2)(B) screening determination 8 focuses on whether the Complaint "fails to state a claim on which relief may be granted." 28 9 U.S.C. § 1915(e)(2)(B)(ii).

Determining whether a complaint satisfies this requirement is "a 10 context-specific task that requires the reviewing court to draw on its judicial experience and 11 common sense." *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009) (citation omitted).

The context here 12 is guided by the fact that this is a social security disability appeal brought by an indigent plaintiff. 13 "Although a complaint in a social security disability appeal may differ in some ways from 14 complaints in other civil cases, it is 'not exempt from the general rules of civil pleading.'" 15 *Lynnmarie E. v. Saul*, No. 21-cv-00244-JLB, 2021 WL 2184828, at \*2 (S.D.

Cal. May 28, 2021) 16 (quoting *Hoagland*, 2012 WL 2521753, at \*2). 17 In reviewing a complaint for these purposes, "[t]he standard for determining whether a 18 plaintiff has failed to state a claim upon which relief may be granted under § 1915(e)(2)(B)(ii) is 19 the same as the Federal Rule of Civil Procedure 12(b)(6) standard for failure to state a claim." 20 *Watison v. Carter*, 668 F.3d 1108, 1112 (9th Cir.

2012) (citing *Lopez v. Smith*, 203 F.3d 1122, 21 1127 (9th Cir. 2000)). Under the familiar standards under Rule 12(b)(6), a motion to dismiss tests 22 whether a claim satisfies the minimum pleading standard for that claim. See *Conservation Force 23 v. Salazar*, 646 F.3d 1240, 1241-42 (9th Cir. 2011) (quoting *Navarro v. Block*, 250 F.3d 729, 732 24 (9th Cir. 2001)) ("A motion to

dismiss under Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted “tests the legal sufficiency of a claim.””).

The requisite minimum pleading standard varies depending on the type of cause of action at issue. *Iqbal*, 556 U.S. at 679. The currently applicable minimum pleading standard for social security claims is 42 U.S.C. § 405(g). See *Giselle N. v. Kijakazi*, 694 F. Supp. 3d 1193, 1197 (N.D. Cal. 2023).

Under Supplemental Rule 2(b)(1), “[t]he complaint must: (A) state that the action is brought under 42 U.S.C. § 405(g); (B) identify the final decision to be reviewed, including any identifying designation provided by the Commissioner with the final decision; (C) state the name and the county of residence of the person for whom benefits are claimed; (D) name the person on whose behalf record benefits are claimed; and (E) state the type of benefits claimed.” Fed.

R. Civ. P. Supp. Soc. Sec. R. 2(b)(1). Additionally, Supplemental Rule 2(b)(2) provides that the complaint “may include a short and plain statement of the grounds for relief.” Fed. R. Civ. P. Supp. Soc. Sec. R. 2(b)(2) (emphasis added).

Accordingly, for purposes of 42 U.S.C.(e)(2)(B)(ii), the Court looks to Supplemental Rule 2(b)(1)’s requirements to determine whether Plaintiff’s Complaint sufficiently states a claim for relief. *Giselle N.*, 694 F. Supp. 3d at 1197. As discussed above, Supplemental Rule 2(b)(1) first requires that a social security complaint “state that the action is brought under 42 U.S.C.(g).” Fed.

R. Civ. P. Supp. Soc. Sec. R. 2(b)(1)(A). In the instant Complaint, Plaintiff states that they are “seeking court review of the decision of the Commissioner of Social Security pursuant to Section 205(g) of the Social Security Act, as amended (42 U.S.C.A. § 405(g)) and 28 U.S.C.A. § 1361.” [Dkt. 1 at ¶ 1].

Accordingly, the Court finds that Plaintiff’s Complaint satisfies the first pleading requirement of Supplemental Rule 2(b)(1). Supplemental Rule 2(b)(1) next requires that a social security complaint “identify the final decision to be reviewed, including any identifying designation provided by the Commissioner with the final decision.” Fed. R. Civ.

P. Supp. Soc. Sec. R. 2(b)(1)(B). Here, the Complaint indicates that Plaintiff seeks review of a hearing examiner’s adverse decision, dated October 16, 2024, denying Plaintiff’s application for benefits, which became the final decision of the Commissioner for purposes of judicial review on June 10, 2025. [Dkt. 1 at ¶¶ 5-9].

The Complaint includes Plaintiff’s alleged disability onset date, as well as the date of Plaintiff’s hearing before the ALJ, the date the unfavorable decision was issued, and the date the ALJ’s decision was affirmed by the Appeals Council. *Id.* To that extent, the Complaint satisfies supplemental Rule 2(b)(1). That which appears on both the docket itself and on Plaintiff’s IFP application.

Compare Dkt. 2 1 at ¶ 3, with Dkt. 2 at 1. The Complaint provides no further information or explanation as to 3 Plaintiff's true identity or legal name, nor does the Complaint explain this discrepancy. Perhaps 4 this confusion is the result of inadvertent typographical errors; perhaps there is a substantive 5 reason for the different naming.

As presented in the Complaint, there is no way for the Court to 6 make a determination. As such, the confusion as to Plaintiff's name and identity renders the 7 Complaint insufficient to the extent the lack of clear identity of the Plaintiff's name impedes the 8 requisite identification of the final decision being reviewed.

Accordingly, the Court finds that the 9 information in the Complaint fails to satisfy the second requirement of Supplemental Rule 2(b)(1) 10 to the extent the Plaintiff's name is not clear based on the record presented. 11 Supplemental Rule 2(b)(1) next requires that a social security complaint "state the name 12 and the county of residence of the person for whom benefits are claimed" and "name the person on 13 whose wage record benefits are claimed." Fed.

R. Civ. P. Supp. Soc. Sec. R. 2(b)(1)(C). As 14 noted, the Complaint identifies Plaintiff with an entirely different first and last name than that 15 which appears on other filings in this case. Further, the Complaint does not specify the individual 16 "on whose wage record benefits are claimed." Id. Accordingly, the Court finds that Plaintiff's 17 Complaint fails to satisfy the third and fourth requirements of Supplemental Rule 2(b)(1) to the 18 extent there is a failure to state Plaintiff's name adequately and a corresponding failure to name 19 the person on whose wage record benefits are claimed.

20 Finally, Supplemental Rule 2(b)(1) requires that a social security complaint "state the type 21 of benefits claimed." Fed. R. Civ. P. Supp. Soc. Sec. R. 2(b)(1)(E). Here, Plaintiff's Complaint 22 identifies the type of benefits at issue as disability insurance benefits. [Dkt. 1 at ¶¶ 5, 13]. 23 Accordingly, the Court finds that Plaintiff's Complaint satisfies the final pleading requirement of 24 Supplemental Rule 2(b)(1).

25 For all the foregoing reasons, the Court finds that Plaintiff's Complaint fails to satisfy all 26 the requirements of Supplemental Rule 2(b)(1), and thus, fails to satisfy the minimum pleading 27 requirements to state a claim for relief. 28 U.S.C. § 1915(e)(2)(B)(ii). ] 1. Plaintiff's Complaint [Dkt. 1] is DISMISSED WITHOUT PREJUDICE, pursuant to 28 2 U.S.C. § 1915(e)(2)(B), for failure to adequately state a claim for relief.

3 2. Plaintiff is GRANTED LEAVE to file an amended complaint that corrects and 4 adequately addresses the issues discussed herein by no later than November 12, 2025 5 (unless extended by Court order). 6 3. If Plaintiff does not file an amended complaint by the ordered deadline or if Plaintiff 7 cannot cure the identified deficiencies, that may result in negative consequences for this

8 case, including but not limited to a recommendation by this Court that this action be 9 dismissed either in whole or in part.

10 1] IT IS SO ORDERED. a 12 Dated: October 7, 2025 13 3 PETER H. KANG 14 United States  
Magistrate Judge 16 17 Oo Z 18 19 20 21 22 23 24 25 26 27 28