

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Zuri A. v. Frank Bisignano

Zuri A. · No. 2:25-cv-862-HDV-RAO · Decided August 6, 2025

SUMMARY

The United States District Court for the Central District of California summarily dismissed without prejudice a pro se plaintiff's first amended complaint challenging the modification of supplemental security income benefits. The court concluded that the complaint did not provide sufficient facts to establish exhaustion of the Social Security Administration's administrative remedies and noted that related Federal Tort Claims Act claims were barred by 42 U.S.C. § 405(h).

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Aly H. Vera
JURISDICTION	United States District Court for the Central District of California
DECIDED	August 6, 2025
DOCKET	2:25-cv-862-HDV-RAO
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff filed a pro se action seeking review of an alleged modification of supplemental security income benefits and later filed a first amended complaint. The court screened the amended complaint under 28 U.S.C. § 1915(e)(2) and dismissed it without prejudice.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2), the court screened the in forma pauperis complaint for frivolousness, failure to state a claim, and claims seeking relief from an immune defendant. For failure-to-state-a-claim purposes, the court applied the Federal Rule of Civil Procedure 8 plausibility standard used in evaluating a Rule 12(b)(6) motion, accepting factual allegations as true and construing them in the plaintiff's favor.
PRECEDENTIAL VALUE	Unpublished district court order; nonprecedential
PARTIES	Zuri A. v. Frank Bisignano, Commissioner of Social Security

TOPICS

exhaustion of remedies

subject matter jurisdiction

pleadings

administrative law

civil procedure

PRACTICE AREAS

Social Security

administrative law

civil procedure

QUESTIONS PRESENTED

1. Whether the first amended complaint stated sufficient facts to show that Plaintiff exhausted the administrative remedies required for judicial review under 42 U.S.C. § 405(g).
2. Whether the first amended complaint pleaded sufficient facts for the court to determine that it had subject-matter jurisdiction over Plaintiff's Social Security claims.
3. Whether any Federal Tort Claims Act claims derivative of the alleged deprivation of SSI benefits were barred by 42 U.S.C. § 405(h).

HOLDINGS

1. The first amended complaint failed to allege sufficient facts to establish that Plaintiff presented his claims through the four-step Social Security administrative process before seeking judicial review.
2. To the extent Plaintiff alleged Federal Tort Claims Act claims derivative of the alleged deprivation of SSI benefits, those claims were barred by 42 U.S.C. § 405(h).

FACTUAL BACKGROUND

Plaintiff alleged that the Social Security Administration modified his supplemental security income benefits without providing proper notice of a hearing. He alleged that the change caused emotional and physiological injuries and that a Jane Doe defendant concealed his SSI case file and notice of due process. The first amended complaint characterized the alleged conduct as defamatory and as depriving him of federal constitutional, statutory, and property rights, and sought \$1 million in damages.

PROCEDURAL HISTORY

Plaintiff filed the original complaint on January 31, 2025, and applied to proceed in forma pauperis. The court granted in forma pauperis status on February 6, 2025. Plaintiff filed a first amended complaint on March 25, 2025. The court summarily dismissed the action without prejudice because the amended complaint did not provide sufficient facts to establish exhaustion of administrative remedies or subject-matter jurisdiction under 42 U.S.C. § 405(g).

DISPOSITION

dismissed

CASES CITED

- *Lopez v. Smith*, 203 F.3d 1122, 1126-27 & n.7 (9th Cir. 2000) (en banc)

- Janko v. Saul, No. 3:20-cv-669, 2020 WL 1812224, at *2 (S.D. Cal. Apr. 9, 2020)
- Wilhelm v. Rotman, 680 F.3d 1113, 1121 (9th Cir. 2012)
- Barren v. Harrington, 152 F.3d 1193, 1194 (9th Cir. 1998)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Lee v. City of Los Angeles, 250 F.3d 668, 688 (9th Cir. 2001)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 557 (2007)
- Smith v. Berryhill, 587 U.S. 471, 475-76 (2019)
- Weinberger v. Salfi, 422 U.S. 749, 764 (1975)
- Ringgold-Lockhart v. County of Los Angeles, 761 F.3d 1057, 1066 (9th Cir. 2014)
- Molski v. Evergreen Dynasty Corp., 500 F.3d 1047, 1059 (9th Cir. 2007)
- Hooker v. U.S. Department of Health & Human Services, 858 F.2d 525, 530 (9th Cir. 1988)
- Dianne S. v. Ms. Larkins, No. 2:97-cv-6797 (C.D. Cal. Feb. 6, 1998)
- Zuri A. v. Soc. Sec. Admin., No. 2:99-cv-7946 (C.D. Cal. Aug. 9, 1999)
- Zuri A. v. Josserand, No. 2:99-cv-11249 (C.D. Cal. Nov. 2, 1999)
- Zuri A. v. Waits, No. 2:99-cv-11662 (C.D. Cal. Dec. 1, 1999)
- Zuri A. v. Hous. Auth. of the City of L.A., No. 2:99-cv-6210 (C.D. Cal. Jan. 13, 2000)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 CENTRAL DISTRICT OF
CALIFORNIA 10 11 ZURI A.,¹ Case No. 2:25-cv-862-HDV-RAO 12 Plaintiff, 13 v. ORDER
SUMMARILY DISMISSING FIRST AMENDED 14 FRANK BISIGNANO,² COMPLAINT
Commissioner of Social Security, 15 Defendant. 16 17 18 On January 31, 2025, the Court received
from Plaintiff Zuri A. (“Plaintiff”), 19 proceeding pro se, a complaint seeking review of the Social
Security 20 Administration’s (“SSA”) decision to modify Plaintiff’s supplemental security 21
income (“SSI”) benefits.

Dkt. No. 1 at 3. The same day, Plaintiff applied to proceed 22 in forma pauperis. Dkt. No. 3. The
Court granted Plaintiff’s request on February 6, 23 2025. Dkt. No. 6. On March 25, 2025, Plaintiff
filed his First Amended Complaint 24 (“FAC”). Dkt. No. 7. 25 1 Plaintiff’s name is partially
redacted in compliance with Federal Rule of Civil 26 Procedure 5.2(c)(2)(B) and the
recommendation of the Committee on Court 27 Administration and Case Management of the
Judicial Conference of the United States.

2 Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Frank Bisignano is 28 hereby
substituted as defendant. 1 I. BACKGROUND 2 In his original complaint, Plaintiff states that he
is legally blind and lives in a 3 “wheelchair without legs below the knees on the streets.” Dkt. No.
1 at 2. According 4 to the original complaint, the SSA modified Plaintiff’s SSI benefits without
providing 5 a proper notice of hearing.

Dkt. No. 1 at 3. In turn, the change in benefits allegedly 6 caused Plaintiff an array of emotional injuries and physiological reactions to stress. 7 Dkt. No. 1 at 2–3. In the FAC, Plaintiff states that a Jane Doe defendant has 8 intentionally concealed his SSI case file and “notice of due process in this case.” Dkt. 9 No. 7 at 2.

The FAC alleges that these actions are defamatory and deprive him of his 10 federal constitutional, statutory, and property rights. Dkt. No. 7 at 2. Plaintiff seeks 11 \$1,000,000.00 in damages for the alleged negligent acts by the Commissioner. Dkt. 12 No. 7 at 1. 13 II. DISCUSSION 14 a. Legal Standard 15 District courts are required to screen civil complaints filed by individuals 16 proceeding in forma pauperis.

28 U.S.C. § 1915(e)(2). The Court may dismiss such 17 a complaint, or a portion thereof, if the complaint (1) is frivolous or malicious; (2) 18 fails to state a claim upon which relief may be granted; or (3) seeks monetary relief 19 from a defendant who is immune from such relief. *Id.*; see also *Lopez v. Smith*, 203 F.3d 1122, 1126–27 & n.7 (9th Cir. 2000) (en banc).

Social Security appeals 21 proceeding under § 1915(e) are subject to the screening requirement. *Janko v. Saul*, 22 No. 3:20-cv-669, 2020 WL 1812224, at *2 (S.D. Cal. Apr. 9, 2020). 23 To determine whether a complaint fails to state a claim for screening purposes, 24 the Court applies the same pleading standard from Federal Rule of Civil Procedure 8 25 as it would when evaluating a motion to dismiss under Federal Rule of Civil 26 Procedure 12(b)(6).

Wilhelm v. Rotman, 680 F.3d 1113, 1121 (9th Cir. 2012); *Barren 27 v. Harrington*, 152 F.3d 1193, 1194 (9th Cir. 1998). When reviewing a complaint, 28 the Court considers whether the plaintiff has stated a plausible claim and pleaded 1 factual allegations sufficient to reasonably infer that the defendant committed the 2 misconduct alleged. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).

The task is context- 3 specific and “requires the reviewing court to draw on its judicial experience and 4 common sense.” *Id.* at 679. The Court must construe all factual allegations set forth 5 in the complaint as true and in the light most favorable to the plaintiff. *Lee v. City of 6 Los Angeles*, 250 F.3d 668, 688 (9th Cir. 2001). Merely laying out the elements of a 7 cause of action will not suffice nor do “‘naked assertion[s]’ devoid of ‘further factual 8 enhancement.’” *Id.* (alteration in original) (quoting *Bell Atl.*

Corp. v. Twombly, 550 U.S. 544, 557 (2007)). 10 A Social Security claimant may seek review in federal court of a final 11 determination by the Commissioner. 42 U.S.C. § 405(g). Before obtaining judicial 12 review, claimants must first exhaust administrative remedies by undergoing a four- 13 step process that includes (1) an initial determination by the SSA of the claimant’s 14 eligibility for benefits; (2) a decision on reconsideration of the initial determination; 15 (3) a hearing before an administrative law judge (“ALJ”) and subsequent ruling; and 16 (4) an application for review of the ALJ’s decision before the Appeals Council.

Smith 17 v. Berryhill, 587 U.S. 471, 475–76 (2019). Only after proceeding through all four 18 steps may a claimant properly seek judicial review pursuant to 42 U.S.C. § 405(g). 19 Id. at 476; see also Weinberger v. Salfi, 422 U.S. 749, 764 (1975) (finding that 20 Section 405(g)’s first requirement—a final decision from the Commissioner—is 21 “central to the requisite grant of subject-matter jurisdiction”).

22 b. Analysis 23 As a threshold matter, the Court notes that the instant action is situated in a 24 long pattern of filings by Plaintiff against the SSA and other governmental entities.³ 25 3 Most of Plaintiff’s prior lawsuits named the SSA, the Commissioner, or other SSA 26 employees as defendants. See, e.g., Dianne S. v. Ms. Larkins, No. 2:97-cv-6797 27 (C.D.

Cal. Feb. 6, 1998); Zuri A. v. Soc. Sec. Admin., No. 2:99-cv-7946 (C.D. Cal. Aug. 9, 1999); Zuri A. v. Josserand, No. 2:99-cv-11249 (C.D. Cal. Nov. 2, 1999); 28 Zuri A. v. Waits, No. 2:99-cv-11662 (C.D. Cal. Dec. 1, 1999); Zuri A. v. Apfel, No. 1 In fact, this Court has declared Plaintiff to be a vexatious litigant and therefore subject 2 to the prefiling requirements set forth in Local Rule 83-8.

See Final Report and 3 Recommendation of United States Magistrate Judge, Zuri A. v. Hous. Auth. of the 4 City of L.A., No. 2:99-cv-6210 (C.D. Cal. Jan. 13, 2000), Dkt. No. 40 [hereinafter 5 January 2000 R&R], adopted by, Zuri A. v. Hous. Auth. of the City of L.A., No. 2:99- 6 cv-6210, slip op. at 1 (C.D. Cal. Jan. 13, 2000).

Because the scope of vexatious- 7 litigant orders should be narrowly tailored, a court must apply the prefiling 8 requirements to the type of claims that the Plaintiff has filed vexatiously. Ringgold- 9 Lockhart v. County of Los Angeles, 761 F.3d 1057, 1066 (9th Cir. 2014).

Here, the 10 Court expressly narrowed the prefiling requirement to cases brought against the 11 Housing Authority of the City of Los Angeles and David C. Smythe. See January 12 2000 R&R, supra, at 7. Although Plaintiff is not subject to prefiling requirements in 13 the instant action, the Court nevertheless incorporates Plaintiff’s litigious pattern of 14 filing when evaluating the frivolousness of the claims contained in the FAC.

See 15 Molski v. Evergreen Dynasty Corp., 500 F.3d 1047, 1059 (9th Cir. 2007). 16 With respect to the instant action, the FAC lacks the sufficient factual basis 17 required for the Court to determine whether Plaintiff has adequately exhausted his 18 administrative remedies before the SSA.

The FAC includes cursory references to 19 withholding case files, intentionally concealing notices of due process, and other 20 vague actions by the SSA. Dkt. No. 7 at 1–2. Without more, the Court cannot 21 2:99-cv-12839 (C.D. Cal. Dec. 13, 1999) Zuri A. v. Banks, No. 2:00-cv-1331 (C.D. 22 Cal. Apr. 14, 2000); Zuri A. v. Soc. Sec. Admin., No. 2:00-cv-3747 (C.D.

Cal. Apr. 23 21, 2000); Zuri A. v. United States, No. 2:00-cv-5176 (C.D. Cal. May 19, 2000); Zuri A. v. Barnhart, No. 2:01-cv-3296 (C.D. Cal. Aug. 29, 2002); Zuri A. v. Massanari, 24 No. 2:01-cv-3655 (C.D. Cal. Apr. 30, 2001); Zuri A. v. Massanari, No. 2:01-cv-3656 25 (C.D. Cal. Apr. 27, 2001); Zuri A. v. Barnhart, No. 2:02-cv-5274 (C.D. Cal. Aug. 8, 2002); Zuri A. v. Barnhart, No. 2:02-cv-6448 (C.D.

Cal. Jan. 6, 2003); Zuri A. v. 26 Astrue, No. 2:08-cv-2312 (C.D. Cal. Mar. 10, 2009); Sherman M. v. Astrue, No. 2:10- 27 cv-2602 (C.D. Cal. Oct. 1, 2010); Zuri A. v. Astrue, No. 2:11-cv-1727 (C.D. Cal. Feb. 22, 2012); Zuri A. v. Astrue, No. 2:11-cv-5250 (C.D. Cal. Sept. 15, 2011); Zuri A. v. 28 Astrue, No. 2:11-cv-9398 (C.D. Cal. Feb. 23, 2012). 1 || conclusively determine whether it has subject-matter jurisdiction pursuant to 2 || § 405(g) to adjudicate Plaintiff's claim(s) against the SSA.

Moreover, to the extent 3 || that Plaintiff alleges claims under the Federal Tort Claims Act derivative of the 4 || alleged deprivation of SSI benefits, these claims are barred by 42 U.S.C. § 405(h). 5 || Hooker v. U.S. Dep't of Health & Hum. Servs., 858 F.2d 525, 530 (9th Cir. 1988). 6 In sum, the Court finds that the FAC fails to provide factual allegations 7 || sufficient to conclude that Plaintiff has properly presented his claims through the 8 || four-step administrative procedure before the SSA such that judicial review is 9 || permissible under 42 U.S.C. § 405(g).

10 For the foregoing reasons, IT IS ORDERED that this action is DISMISSED 11 || without prejudice, and judgment shall be entered accordingly. 12 13 | DATED: 8/6/25 ALY HERNAND. VERA 15 UNITED STATES DISTRICT JUDGE 16 17 18 19 20 21 22 23 24 25 26 27 28