

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

OPINION

Zuri A'Giza v. Michelle King

PER CURIAM.

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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 9
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

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