

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Alfonso S. v. Social Security Administration

Case No. 24-cv-02354-MMP · No. 24-cv-02354-MMP · Decided August 8, 2025

SUMMARY

The United States District Court for the Southern District of California grants Plaintiff Alfonso S.’s renewed motion to proceed in forma pauperis. After screening the amended complaint under 28 U.S.C. §§ 1915(e)(2) and 1915(a), the Court finds that the complaint sufficiently states a claim for review of a Social Security Administration decision and directs substitution of Commissioner Frank Bisignano as Defendant.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Michelle M. Pettit
JURISDICTION	United States District Court for the Southern District of California
DECIDED	August 8, 2025
DOCKET	24-cv-02354-MMP
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a pro se action seeking review of a decision concerning Supplemental Security Income and moved to proceed in forma pauperis. After denying the initial in forma pauperis motion and dismissing the initial complaints at screening, the court considered Plaintiff’s renewed motion and amended complaint.
STANDARD OF REVIEW	The court independently screened the amended complaint under 28 U.S.C. § 1915(e)(2) and liberally construed the pro se pleading.
PRECEDENTIAL VALUE	nonprecedential district court order
PARTIES	Alfonso S. v. Social Security Administration

TOPICS

- civil procedure
- administrative law
- judicial review of agency action

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff demonstrated sufficient indigency to proceed in forma pauperis under 28 U.S.C. § 1915(a).
2. Whether Plaintiff's amended complaint stated a sufficiently clear claim for review of a Supplemental Security Income decision and survived mandatory screening under 28 U.S.C. § 1915(e)(2).
3. Whether the former Social Security Commissioner should be replaced by the current Commissioner under Federal Rule of Civil Procedure 25(d).

HOLDINGS

1. Plaintiff met his burden of demonstrating with particularity, definiteness, and certainty that he could not pay the filing fee while providing for life's necessities; therefore, the court granted leave to proceed in forma pauperis.
2. The amended complaint was sufficient to survive screening under 28 U.S.C. § 1915(e)(2) and § 1915(a).
3. The Clerk was directed to substitute Commissioner Frank Bisignano for former Commissioner Martin O'Malley as the defendant.

KEY QUOTATIONS

“Based on the information currently before the Court, the Court finds Plaintiff has met his burden of demonstrating “with some particularity, definiteness and certainty” he is entitled to IFP status.” (Opinion at 4)

“While Plaintiff's amended complaint is not a model of clarity, courts must liberally construe pro se pleadings.” (Opinion at 5)

FACTUAL BACKGROUND

Plaintiff alleged that his Supplemental Security Income decreased from \$715.72 to zero in May 2017 and identified alleged legal error by the administrative law judge. His renewed in forma pauperis application provided consistent income information, showed only a narrow margin between income and expenses, and indicated no meaningful savings. The amended complaint identified the Commissioner as the proper defendant, specified that the action concerned Plaintiff's own Title XVI Supplemental Security Income entitlement, and supplied the information required for a Social Security action.

PROCEDURAL HISTORY

Plaintiff filed two initial complaints and an in forma pauperis motion on December 16, 2024. The court denied the initial motion and dismissed the complaints for screening deficiencies, directing Plaintiff to submit a renewed in forma pauperis motion and a single amended complaint. Plaintiff complied. The court granted the renewed motion, found the amended complaint sufficient to survive screening, and directed substitution of Commissioner Frank Bisignano for former Commissioner Martin O'Malley.

DISPOSITION

other

CASES CITED

- Rodriguez v. Cook, 169 F.3d 1176, 1177 (9th Cir. 1999)
- California Men's Colony v. Rowland, 939 F.2d 854, 858 (9th Cir. 1991), reversed on other grounds by, 506 U.S. 194 (1993)
- Adkins v. E.I. DuPont de Nemours & Co., 335 U.S. 331, 339-40 (1948)
- Temple v. Ellerthorpe, 586 F. Supp. 848, 850 (D.R.I. 1984)
- United States v. McQuade, 647 F.2d 938, 940 (9th Cir. 1981)
- Lopez v. Smith, 203 F.3d 1122, 1126-27 (9th Cir. 2000)
- Norris v. Kijakazi, No. 23-cv-432-BLM, 2023 WL 2518870, at *2 (S.D. Cal. Mar. 13, 2023)
- Calhoun v. Stahl, 254 F.3d 845, 845 (9th Cir. 2001)
- Giselle N. v. Kijakazi, No. 23-cv-04293-PHK, 2023 WL 6307947, at *1 (N.D. Cal. Sept. 26, 2023)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Estelle v. Gamble, 429 U.S. 97, 106 (1976)

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