

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Kimberly Mary Zapalac v. Commissioner of Social Security

Zapalac · No. 1:25-cv-01264-CDB (SS) · Decided September 26, 2025

SUMMARY

The court granted Kimberly Mary Zapalac’s application to proceed in forma pauperis in her action seeking judicial review of the Commissioner of Social Security’s denial of disability benefits. The court found the complaint timely and cognizable under 42 U.S.C. § 405(g) and directed the Clerk to issue a summons and related scheduling and reassignment documents.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 26, 2025
DOCKET	1:25-cv-01264-CDB (SS)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed an action seeking judicial review of the Commissioner's final decision denying disability benefits and applied to proceed in forma pauperis. The district court granted the application, found the complaint cognizable and timely, and directed issuance of summons and case-management documents.
STANDARD OF REVIEW	For in forma pauperis screening, the court must dismiss a complaint that is frivolous, malicious, fails to state a claim, or seeks monetary relief from an immune defendant. At this initial stage, the court determined that the complaint stated a cognizable claim for review of the Commissioner's decision.
PARTIES	Kimberly Mary Zapalac v. Commissioner of Social Security

QUESTIONS PRESENTED

1. Whether Plaintiff satisfied the requirements to proceed in forma pauperis under 28 U.S.C. § 1915(a).
2. Whether the complaint was subject to dismissal under the in forma pauperis screening requirements.
3. Whether the complaint timely and plausibly stated a claim for judicial review of the Commissioner's final Social Security decision.

4. Whether the court had jurisdiction over the action under 42 U.S.C. § 405(g).

HOLDINGS

1. Plaintiff satisfied the requirements of 28 U.S.C. § 1915(a) and was entitled to proceed in forma pauperis.
2. The complaint was not subject to dismissal at the initial screening stage because it stated a cognizable claim for review of the Commissioner's administrative decision.
3. The complaint was timely and the court had jurisdiction under 42 U.S.C. § 405(g) because Plaintiff filed within the period stated in the Appeals Council's notice and alleged residence within the district.
4. The complaint satisfied the threshold pleading requirement for this Social Security action by stating a cognizable claim for review of the administrative decision.

KEY QUOTATIONS

“When a party seeks to proceed in forma pauperis, the Court is required to review the complaint and shall dismiss the complaint, or portion thereof, if it is “frivolous, malicious or fails to state a claim upon which relief may be granted; or ... seeks monetary relief from a defendant who is immune from such relief.” (1)

FACTUAL BACKGROUND

Plaintiff sought disability insurance benefits and supplemental income from the Social Security Administration. An Administrative Law Judge denied her claim, and the Appeals Council denied review on August 6, 2025. Plaintiff, who alleged residence in Tulare County, California, filed a federal complaint on September 24, 2025, seeking judicial review and applied to proceed without prepaying the filing fee.

PROCEDURAL HISTORY

The Appeals Council denied Plaintiff's request for review on August 6, 2025, making the Administrative Law Judge's denial of benefits the Commissioner's final decision. Plaintiff filed this action on September 24, 2025, within the period allowed by the Appeals Council's notice, and submitted an application to proceed in forma pauperis. The court granted the application and ordered the Clerk to issue a summons, scheduling order, and consent or reassignment documents.

DISPOSITION

other

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 KIMBERLY MARY ZAPALAC, Case No. 1:25-cv-01264-CDB (SS) 12
Plaintiff, ORDER GRANTING APPLICATION TO PROCEED IN FORMA PAUPERIS AND 13
v. DIRECTING CLERK OF THE COURT TO ISSUE SUMMONS, SCHEDULING ORDER, 14
COMMISSIONER OF SOCIAL AND CONSENT OR REQUEST FOR SECURITY, 15
REASSIGNMENT DOCUMENTS Defendant.

(Doc. 2) 16 17 18 Plaintiff Kimberly Mary Zapalac (“Plaintiff”) initiated this action with the filing of a 19 complaint on September 24, 2025, seeking review of the final decision of the Commissioner of 20 Social Security denying disability insurance and benefits. (Doc. 1). Plaintiff did not pay the filing 21 fee and instead filed an application to proceed in forma pauperis (“IFP”) pursuant to 28 U.S.C. § 22 1915.

(Doc. 2). For the following reasons, the Court finds issuance of the new case documents 23 and Plaintiff’s application to proceed in forma pauperis appropriate. 24 I. Proceeding In Forma Pauperis 25 The Court may authorize the commencement of an action without prepayment of fees “by 26 a person who submits an affidavit that includes a statement of all assets such [person] possesses 27 [and] that the person is unable to pay such fees or give security therefor.” 28 U.S.C. § 1915(a).

Here, the Court has reviewed Plaintiff’s application and financial status affidavit (Doc. 2) and finds 1 the requirements of 28 U.S.C. § 1915(a) are satisfied. 2 II. Screening Requirement 3 When a party seeks to proceed in forma pauperis, the Court is required to review the 4 complaint and shall dismiss the complaint, or portion thereof, if it is “frivolous, malicious or fails 5 to state a claim upon which relief may be granted; or ... seeks monetary relief from a defendant 6 who is immune from such relief.” 28 U.S.C. §§ 1915(b) & (e)(2).

A plaintiff’s claim is frivolous 7 “when the facts alleged rise to the level of the irrational or the wholly incredible, whether or not 8 there are judicially noticeable facts available to contradict them.” *Denton v. Hernandez*, 504 U.S. 9 25, 32-33 (1992). 10 III. Pleading Standards 11 A complaint must include a statement affirming the court’s jurisdiction, “a short and plain 12 statement of the claim showing the pleader is entitled to relief; and a demand for the relief sought, 13 which may include relief in the alternative or different types of relief.” Fed.

R. Civ. P. 8(a). The 14 purpose of the complaint is to give the defendant fair notice of the claims, and the grounds upon 15 which the complaint stands. *Swierkiewicz v. Sorema N.A.*, 534 U.S. 506, 512 (2002). As set forth 16 by the Supreme Court, Rule 8: 17 ... does not require detailed factual allegations, but it demands more than an unadorned, the-defendant-unlawfully-harmed-me accusation.

A pleading that offers 18 labels and conclusions or a formulaic recitation of the elements of a cause of action will not do. Nor does a complaint suffice if it tenders naked assertions devoid of 19 further factual enhancement. 20 *Ashcroft v. Iqbal*, 556 U.S. 662, 678-79 (2009) (internal quotation marks and citations omitted). 21 Vague and conclusory allegations do not support a cause of action.

Ivey v. Board of Regents, 673 22 F.2 266, 268 (9th Cir. 1982). The *Iqbal* Court clarified further, 23 [A] complaint must contain sufficient factual matter, accepted as true, to “state a claim to relief

that is plausible on its face.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 24 544, 570 (2009). A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is 25 liable for the misconduct alleged.

Id. at 556. The plausibility standard is not akin to a “probability requirement,” but it asks for more than a sheer possibility that a 26 defendant has acted unlawfully. *Id.* Where a complaint pleads facts that are “merely consistent with” a defendant’s liability, it “stops short of the line between possibility 27 a nd plausibility of “entitlement to relief.” 1 and determine whether the facts would make the plaintiff entitled to relief; legal conclusions are 2 not entitled to the same assumption of truth.

Id. The Court may grant leave to amend a complaint 3 to the extent deficiencies of the complaint can be cured by an amendment. *Lopez v. Smith*, 203 4 F.3d 1122, 1127-28 (9th Cir. 2000) (en banc). 5 IV. Discussion and Analysis 6 Plaintiff seeks review of a decision by the Commissioner of Social Security denying 7 disability benefits. (Doc. 1).

The Court may have jurisdiction pursuant to 42 U.S.C. § 405(g), 8 which provides: 9 Any individual after any final decision of the Commissioner made after a hearing to which he was a party, irrespective of the amount 10 in controversy, may obtain a review of such decision by a civil action commenced within sixty days after the mailing to him of such 11 decision or within such further time as the Commissioner may allow.

Such action shall be brought in the district court of the United 12 States for the judicial district in which the plaintiff resides or has his principal place of business...The court shall have power to enter, 13 upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner 14 of Social Security, with or without remanding the cause for a rehearing.

15 16 *Id.* Except as provided by statute, “[n]o findings of fact or decision of the Commissioner shall be 17 reviewed by any person, tribunal, or governmental agency.” 42 U.S.C. § 405(h). 18 On August 6, 2025, the Appeals Council denied Plaintiff’s request for review of the decision 19 of the Administrative Law Judge denying Plaintiff’s claim for benefits. (Doc.

1 ¶ 8). The Appeals 20 Council gave Plaintiff 60 days, plus five (5) days for delivery by mail, from the date of the notice 21 to file an appeal for judicial review of the Commissioner’s final decision in federal district court. 22 See *id.* On September 24, 2025, Plaintiff filed a complaint in this Court seeking judicial review of 23 the Commissioner’s final decision.

See *id.* Thus, Plaintiff’s complaint is timely. Plaintiff claims 24 residency in Tulare County, California. *Id.* ¶ 1. Therefore, the Court has jurisdiction over this 25 action. 26 /// 27 /// 1} V. Conclusion and Order 2 Plaintiff's complaint states a cognizable claim for review of the administrative decision 3 | denying Social Security benefits and supplemental income.

Accordingly, IT IS HEREBY 4 | ORDERED that Plaintiff's application to proceed in forma pauperis (Doc. 2) is GRANTED. The 5 | Clerk of Court is directed to issue the following: 1) a Summons; 2) the Scheduling Order; 3) the 6 | Order re Consent or Request for Reassignment; and 4) a Consent to Assignment or Request for 7 | Reassignment form. 8 | SO ORDERED.? | Dated: _ September 25, 2025 | hannD Rr 10 UNITED STATES MAGISTRATE JUDGE 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28