

**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

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 15 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 and 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