

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CYNTHIA A. HAGEMAN,
Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,
Defendant.

ORDER

11-cv-377-wmc

Cynthia A. Hageman has filed a civil complaint against the Commissioner of Social Security.¹ She has requested leave to proceed under the *in forma pauperis* statute, 28 U.S.C. §1915. From plaintiff's affidavit of indigency, I find that because she receives gross annual income of less than \$16,000, she qualifies financially to proceed without prepaying the fees and costs of filing this action.

The next step is determining whether plaintiff's proposed action is frivolous or malicious, fails to state a claim on which relief may be granted or seeks money damages from a respondent who is immune from such relief. 28 U.S.C. § 1915(e)(2). In addressing any pro se litigant's complaint, the court must read the allegations of the complaint generously. *Haines v. Kerner*, 404 U.S. 519, 521 (1972).

In her complaint, plaintiff states that her disability benefits should have begun in 1999. She seeks a "complete review and look at since 1999 (April 5th).” This statement does not suggest that plaintiff is seeking judicial review of a final decision of the commissioner, as allowed by 42 U.S.C. § 405(g). Therefore, before plaintiff may proceed, she must submit more information. In particular, if indeed plaintiff is contesting a final decision by the commissioner,

¹ In the body of her complaint, plaintiff also lists as defendants the Office of the Regional Chief Counsel, the Attorney General, the Office of Disability Adjudication and Review and the United States District Court of the Western District of Wisconsin. However, the Commissioner of Social Security is the only proper defendant in an action pursuant to 42 U.S.C. § 405(g) for review of a final decision of the Commissioner of Social Security.

then she must identify the date of the commissioner's decision. The best way for plaintiff to do this is to submit a copy of the administrative law judge's decision or a copy of a letter from the Appeals Council authorizing her to file a federal action. Alternatively, plaintiff may submit a letter stating the date on which the final decision in his case was issued and the name of the person or agency who issued it. Upon receipt of this information, the court will deem it to be an amendment to the complaint and will recommence its consideration of plaintiff's application to proceed *in forma pauperis*.

ORDER

The application of Sherry Lynn King for permission to proceed *in forma pauperis* is STAYED until plaintiff submits information to the court identifying the final decision that she is challenging and providing the additional information requested above. Plaintiff has until June 21, 2011 in which to submit this information. If she fails to do so, her complaint will be dismissed for his failure to prosecute it.

Entered this 31st day of May, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge