

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

GALE ANTHONY BRONCHO BILLII,

Plaintiff,

vs.

KILOLO KIJAKAZI, Acting Commissioner of
the Social Security Administration,

Defendant.

8:22CV188

ORDER

On May 27, 2022, the Court ordered Plaintiff to file an amended complaint specifically identifying the defendant in this case by June 10, 2022. Plaintiff was also directed to pay the filing fee or an application to proceed in forma pauperis by that time. (Filing No. 5.) When Plaintiff failed to do so, the Court issued a Show Cause Order giving Plaintiff until July 6, 2022 to show cause why he did not comply with the May 27, 2022 order. ([Filing No. 6.](#)) He was advised that failure to comply could result in dismissal of this suit.

Plaintiff subsequently filed a document identifying the defendant as the Commissioner of the Social Security Administration ([Filing No. 7](#)). He also filed a motion for leave to proceed in forma pauperis ([Filing No. 8](#)). However, Plaintiff did not specifically identify the defendant by name, and the motion for leave to proceed in forma pauperis did not contain sufficient information for the Court to allow Plaintiff to proceed without payment of costs and fees. Therefore, on June 24, 2022, the Court entered an order directing Plaintiff to (1) file an amended complaint identifying the defendant; (2) complete and file a form application seeking permission to proceed in forma pauperis; and (3) provide an explanation why he did not comply with the Court's May 27 order. ([Filing No. 9.](#))

Plaintiff has now completed the form requested by the Court and submitted a proper motion to proceed in forma pauperis. ([Filing No. 10.](#)) He has also attempted to explain why he did not comply with the Show Cause Order. ([Filing No. 10.](#)) Plaintiff has not filed an amended complaint but has again identified the defendant generally as the Commissioner of Social Security. ([Filing No. 7.](#))

Because Plaintiff has made a good faith effort to comply with the Court's order, and based on the Court's liberal construction of Plaintiff's pro se pleadings, the Court will allow Plaintiff to proceed on his initial complaint, with the pleading construed to identify the defendant as "Kilolo Kijakazi, Acting Commissioner of the Social Security Administration." Aside from filing an amended complaint identifying the defendant by name, Plaintiff has complied with the requirements of the Court's June 24, 2022 order.

Accordingly,

IT IS ORDERED:

1. Plaintiff's Motion to Proceed In Forma Pauperis ([Filing No. 10](#)) is granted, and the complaint shall be filed without payment of fees.
2. The docket sheet should be reflected to identify the defendant as "Kilolo Kijakazi, Acting Commissioner of the Social Security Administration."
3. The Clerk of Court shall send a copy of this Order, together with a summons form and copies of Form 285 to Plaintiff. Plaintiff shall complete the forms and then mail the completed summons and 285 forms to the Clerk of Court. When the Clerk of Court receives the completed forms, the Clerk shall issue summons and send it, together with a copy of the complaint, to the United States Marshal for service.

Dated this 19th day of July, 2022.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge