



**United States District Court
Southern District of New York**

INSTRUCTIONS FOR SEEKING JUDICIAL REVIEW OF A FINAL DECISION OF THE COMMISSIONER OF SOCIAL SECURITY

- 1. Caption:** The caption is in the top left corner on the first page of the complaint. You, as the person filing the complaint, are the plaintiff. You must add your name, or if you are filing on behalf of a minor child, your name on behalf of the minor child's name.
- 2. Contents:** The form must be completed and contain an original signature. The complaint does not have to be notarized. If you file the complaint by email, you may sign the complaint by typing "/s/ [Your Name]."
- 3. Serving the Complaint:** You do not need to serve the complaint. The Court will notify the Social Security Administration ("SSA") that your complaint has been filed.
- 4. The Commissioner's Answer.** The Commissioner has 60 days from the date it is notified of your complaint to file and serve its answer. Its answer will be a copy of the administrative record from the SSA proceedings.
- 5. Plaintiff's Brief.** After the answer has been filed, you have 30 days to file a brief with the court and serve a copy on the Commissioner. Your brief must include the reasons why you disagree with the Commissioner's decision and you must refer to the pages in the administrative record that support your argument. The brief must be no longer than 25 pages.
- 6. The Commissioner's Brief.** Within 30 days of receiving your brief, the Commissioner must file a brief in opposition to your request. If you do not file a brief, the Commissioner must file this within 30 days after your brief was due.
- 7. Plaintiff's Reply.** If you want to file a reply to the Commissioner's brief, you must do so within 14 days of receiving it, whether you filed an initial brief or not. Your reply must be no longer than 10 pages. If you want to file a longer reply then you must ask permission from your judge 7 days before the deadline.

PRO SE INTAKE WINDOW LOCATIONS:
40 FOLEY SQUARE | NEW YORK, NY 10007
300 QUARROPAS STREET | WHITE PLAINS, NY 10601

MAILING ADDRESS:
500 PEARL STREET | NEW YORK, NY 10007
PRO SE INTAKE UNIT: 212-805-0175

If you did not file an initial brief, you may file a brief in opposition to the Commissioner's (of up to 25 pages) within 14 days of receiving the Commissioner's brief. No further briefing will be permitted.

8. **Extensions of Time.** If you or the Commissioner need an extension of time to meet the deadlines described in #4-#7, you and the assigned SSA attorney must contact each other and discuss a schedule. The assigned SSA attorney will be identified on the docket sheet; alternatively, you may call the Commissioner's office at **212-264-3650** and ask which attorney is assigned to your case. If you and the assigned attorney agree on the schedule, the attorney will file the new proposed schedule with the court. You must file documents by the deadlines set in the supplemental rules unless the Court grants an extension before the due date.
9. **Language:** All papers must be submitted in English. All court proceedings will be held in English. If you have difficulty understanding or writing in English, you should ask a relative or friend to help you prepare your papers, and you should bring someone to act as your interpreter whenever you come to court.

The instructions for completing an application to proceed without prepayment of the filing fees are as follows:

1. **Fees:** The filing fee is \$405.00, which is payable to the "Clerk of Court, USDC, SDNY," by certified check, bank check, money order, major credit card, or cash (credit cards or cash may only be used if your complaint is submitted in person). Personal checks are *not* accepted.
2. **Inability to pay the filing fees:** If you can't afford the filing fees, you may ask for permission to proceed without prepaying the fees by completing an [Application to Proceed Without Prepaying Fees or Costs \("IFP Application"\)](#) and including it with your complaint. The caption of this IFP Application should be identical to the caption on the complaint.

If you have any questions, please contact the Pro Se Intake Unit, 212-805-0175, during business hours, 8:30 a.m.–5:00 p.m., Monday–Friday (except federal holidays). The Pro Se Intake Unit cannot accept collect calls.

These instructions should not be submitted with your complaint.

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