

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

GEORGE L. GRAVES, )  
 )  
 Plaintiff, )  
 )  
 vs. ) No. 1:16-mc-00075-TWP-MJD  
 )  
 CAROLYN W. COLVIN, )  
 )  
 Defendant. )

**Entry on Pending Motions**

This miscellaneous case was opened because the plaintiff, proceeding *pro se*, filed a motion for leave to proceed *in forma pauperis* and a motion for an extension of time in which to file a Complaint challenging a final administrative decision of the Commissioner of Social Security. Plaintiff explains that he needs an extension of time so that he can “find an attorney.”

Rule 2 of the Federal Rules of Civil Procedure makes clear that there is only one form of action—a civil action. Rule 3 prescribes that a civil action is commenced through the filing of a Complaint. Finally, pursuant to Rule 8(a)(2), a Complaint must contain “a short and plain statement of the claim showing that the pleader is entitled to relief.”

The plaintiff’s motions do not constitute a Complaint as contemplated by the Federal Rules of Civil Procedure. *In re Allied Signal Corp.*, 915 F.2d 190, 192 (6th Cir. 1990) (“an action is commenced with the filing of a complaint rather than a motion”); 1 James Wm. Moore et al., *MOORE'S FEDERAL PRACTICE* § 3.02[1] (3d ed. 2000) (“an action is not commenced by . . . filing a motion with the court . . .”). The Court has therefore no authority or basis on which to rule on the plaintiff’s motions, as no civil action has commenced. The plaintiff’s motions [dks. 1, 2], must be **denied**.

The plaintiff is notified, however, that time is of the essence when appealing final decisions of the Commissioner of Social Security—“review of such decision by a civil action commenced within *sixty days* after the mailing to him of notice of such decision or within such further time as the Commissioner of Social Security may allow.” 42 U.S.C. § 405(g). In sum, the plaintiff has not appropriately commenced a civil action, and he must do so expeditiously, by filing a Complaint in order to challenge a final decision of the Commission of Social Security. Plaintiff or his counsel, may later move to amend the Complaint if necessary.

This Entry concludes all appropriate action in response to the plaintiff’s motions and the opening of the miscellaneous case. This miscellaneous action is therefore **closed**.

**IT IS SO ORDERED.**

Date: 11/22/2016



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TANYA WALTON PRATT, JUDGE  
United States District Court  
Southern District of Indiana

Distribution:

GEORGE L. GRAVES  
3719 N. Rural St.  
Indianapolis, IN 46218