

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

NOV 08 2007

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

Concepcion F. Jacalne,

Plaintiff,

v.

Commissioner of Social Security,

Defendant.

Civil Action No. 07 2028

MEMORANDUM OPINION

This matter is before the Court on review of plaintiff's *pro se* complaint and application to proceed *in forma pauperis*.¹ The application will be granted and the complaint will be dismissed as untimely.

Plaintiff is a resident of the Phillippines seeking review under the Social Security Act, 28 U.S.C. § 405(g), of a decision dated April 1, 2005. Under the Act, "[a]ny individual, after any final decision of the Commissioner of Social Security made after a hearing to which he was a party . . . may obtain a 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). Plaintiff states that the complaint is timely because the Commissioner extended "the time to file a civil action for 60 days from the date I receive[d] its letter of August 22, 2005." Compl. at 1. The complaint, which comes more than two years late, presents no basis for equitable tolling. It therefore will be dismissed by separate Order issued contemporaneously.

Date: November 5, 2007


United States District Judge

¹ The complaint and application to proceed *in forma pauperis* indicate that the action is initiated by a "substitute representative," which is not permitted in federal court. Plaintiff is warned that parties must "plead and conduct their own cases personally or by counsel." 28 U.S.C. § 1654.