UNITED STATES DISTRICT COURT

DISTRICT OF IDAHO

IN RE: General Consent to United States Magistrate Judges, Pursuant To 28 U.S.C. Section 636(c) in Social Security Cases	**GENERAL ORDER NO. 422** Amends and Supersedes GO No. 359

In accordance with 28 U.S.C. § 636(c)(1) and with the decision in *Williams v. King*, 875 F.3d 500 (9th Cir. 2017), **IT IS HEREBY ORDERED** that all cases filed by a plaintiff seeking review of a decision by the Commissioner of Social Security, pursuant to 42 U.S.C. § 405(g), shall be randomly assigned to a United States Magistrate Judge, provided, however, that the Chief Judge may direct the reassignment of cases as necessary to assure a more equitable distribution of the Court's caseload. This Order supersedes and replaces General Order 10, section 3, with respect to the assignment of appeals from adverse rulings of the Commissioner of Social Security.

The United States has informed the Court of its general consent to Magistrate Judge jurisdiction in cases of this nature, subject to a reservation of the right to withdraw the consent in unusual cases, and a reservation of the right to withdraw its general consent in the future. Upon the filing of all such cases, the Clerk of Court will direct a Notice of Social Security Case Assignment and a Procedural Order to all parties that:

1) Identifies the Magistrate Judge to whom the case is assigned;

2) Confirms that any withdrawal of consent by the United States must be filed no later than the date the United States files the administrative record;

3) Notifies plaintiff and/or plaintiff's counsel of plaintiff's right to consent to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c);

4) Provides a consent form for plaintiff to complete and advises plaintiff that the Clerk of Court must receive the executed form within **21 days** of the date of the notice;

GENERAL ORDER NO. 422

5) Advises the parties as to the Court's procedure as set forth below in the absence of plaintiff's consent; and

6) Advises the parties of the applicability of the Federal Rules of Civil Procedure Supplemental Rules for Social Security Actions Under 42 U.S.C. § 404(g).
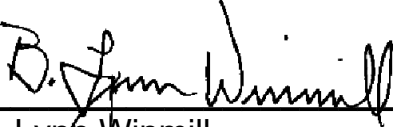
IT IS FURTHER ORDERED that if plaintiff timely consents, and if the United States does not timely withdraw consent, the case will be deemed assigned to the Magistrate Judge for all purposes without the necessity of an order of referral. In the event that the plaintiff does not timely consent, or if the United States timely withdraws its consent, the Clerk of Court will randomly reassign the case to a United States District Judge. Reassigned cases will be referred pursuant to 28 U.S.C. § 636(b)(1)(B), without further order, to the same Magistrate Judge who was initially drawn to conduct preliminary proceedings, including all pretrial, non-dispositive matters, and to issue a Report and Recommendation to the assigned District Judge, unless the District Judge directs otherwise.
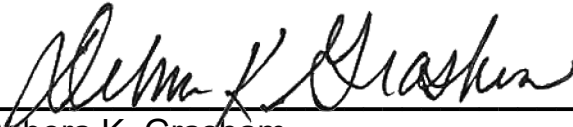
IT ALSO IS HEREBY ORDERED that the Clerk of the Court may make ministerial changes to the attached Procedural Order, Notice of Social Security Case Assignment Form and Consent Form without revision of this General Order.

DATED: _____December 1_____, 2022

_____
David C. Nye
Chief United States District Judge

_____
Raymond E. Patricco
Chief United States Magistrate Judge

_____
B. Lynn Winmill
United States District Judge

_____
Debora K. Grasham
United States Magistrate Judge

_____
Candy W. Dale
United States Magistrate Judge

GENERAL ORDER NO. 422

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF IDAHO

***,
 	
               Plaintiff,
 	
v.
 	
COMMISSIONER OF SOCIAL
SECURITY,
 	
               Defendant.
	Case No.
	
	PROCEDURAL ORDER

The above action seeks review of a final decision of the Commissioner of Social Security denying Plaintiff Social Security disability benefits. The Court's jurisdiction is limited to reviewing the administrative record to determine whether the decision is supported by substantial evidence in the record and whether the proper legal standard has been applied. Notwithstanding any other rule governing the procedure in civil cases, IT IS ORDERED:

1. That the Federal Rules of Civil Procedure Supplemental Rules for Social Security Actions Under 42 U.S.C. § 405(g) govern these proceedings;

2. That the matter will be decided without a hearing, unless otherwise ordered by the Court; and

3. That no extensions of time will be permitted without order of the Court.

DATED: _____

BY ORDER OF THE COURT

Stephen W. Kenyon, Clerk of Court

_____

By Deputy Clerk

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF IDAHO

***,	Case No. ***
Plaintiff,	**NOTICE OF ASSIGNMENT TO A UNITED STATES MAGISTRATE JUDGE AND CONSENT FORM**
v.	
COMMISSIONER OF SOCIAL SECURITY,	
Defendant.	

In accordance with District of Idaho General Order No. 422, you are notified that the above entitled action has been randomly assigned to United States Magistrate Judge [Name] to conduct all proceedings in this case.

Plaintiff and Plaintiff's counsel are hereby notified of the Plaintiff's right to consent to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c).

Exercise of this jurisdiction by a United States Magistrate Judge is, however, permitted only if all parties file a written consent form, a copy of which is part of this notice. The United States has informed the Court of its general consent to Magistrate Judge jurisdiction in cases of this nature. Any withdrawal of consent by the United States must be filed no later than the date the United States files the administrative record.

Provided as an attachment to this notice is a consent form for plaintiff to complete. The Clerk of Court must receive the executed form within **21 days** of the date of this notice. The form may be returned to the Clerk of the Court by e-mailing the same in .pdf format to the following address: consents@id.uscourts.gov. Alternatively, you may mail this form to the following address: U.S. District Court, 550 W. Fort St. Room 400, Boise, ID 83724.

If a plaintiff timely consents, and if the United States does not timely withdraw consent, the case will be deemed assigned to United States Magistrate Judge [Name] for all purposes without the necessity of an order of referral. If a plaintiff does not timely consent, or if the United States timely withdraws its consent, the Clerk of Court will randomly reassign the case to a United States District Judge. Reassigned cases will be referred, pursuant to 28 U.S.C. § 636(b)(1)(B), without further order to the same Magistrate Judge who was initially drawn to conduct preliminary proceedings, including all pretrial, non-dispositive matters, and to issue a Report and Recommendation to the assigned District Judge, unless the District Judge directs otherwise.

An appeal from a judgment entered by a United States Magistrate Judge will be directed to the United States Court of Appeals for the Ninth Circuit in the same manner as an appeal from any other judgment of this District Court. 28 U.S.C. § 636(c); Fed. R. Civ. P. 73.

CONSENT TO THE EXERCISE OF JURISDICTION BY
A UNITED STATES MAGISTRATE JUDGE

Consent to a magistrate judge's authority. In accordance with the provisions of 28 U.S.C. § 636(c), Fed. R. Civ. P. 73, and District of Idaho General Order No. 422, the undersigned party to this case **consents** to have a United States Magistrate Judge conduct all proceedings in this case, including the entry of final judgment, and all post-judgment proceedings, with direct review by the United States Court of Appeals for the Ninth Circuit in the event an appeal is filed.

Printed name of Party Represented	*Signature of Pro Se Party or Attorney*	*Date*

Declination. In accordance with the provisions of 28 U.S.C. § 636(c), Fed. R. Civ. P. 73, and District of Idaho General Order No. 422, the undersigned party to this case **declines** to have a United States Magistrate Judge conduct all proceedings in this case, and requests the case be reassigned to a United States District Judge. If a party declines to consent, this matter will be referred to the same Magistrate Judge for review and preparation of a Report and Recommendation to the assigned District Judge.

Printed name of Party Represented	*Signature of Pro Se Party or Attorney*	*Date*

THE CONSENT PROCESS: WHAT IS IT?[1]

In accordance with 28 U.S.C. § 636(c), Fed. R. Civ. P. 73, and Dist. Idaho Loc. Civ. R. 73.1, a Magistrate Judge is available to preside over all aspects of this case, including the jurisdictional authority to:

- Schedule, hear, and decide all dispositive and non−dispositive matters;
- Schedule, hear, and decide all interlocutory matters;
- Enter final orders and judgment; and
- Decide all post−trial motions.

Appeals from any final order or judgment entered by a Magistrate Judge are directly to the United States Court of Appeals for the Ninth Circuit. See 28 U.S.C. § 636(c)(3); Fed. R. Civ. P. 73(c). However, a Magistrate Judge's exercise of this jurisdiction is permitted only if all parties voluntarily consent.

How Does It Benefit Me?

Speedy trial rights in felony criminal cases require the District's two District Judges to give priority to trying those cases, sometimes requiring that civil trial dates be moved. Magistrate Judges do not preside over felony criminal trials. As a result, a Magistrate Judge's trial docket is generally less crowded than those of the District Judges.

Magistrate Judges usually are able to provide earlier and firmer dates for both hearings and trials than might otherwise be possible by a District Judge. Because this District is very busy and the criminal docket is growing rapidly, consenting to proceed before a Magistrate Judge often means your civil case will be resolved more quickly than if before a District Judge.

Additionally, even if parties do not consent, the District Judge to whom the matter is assigned will nonetheless refer all pre−trial proceedings to a Magistrate Judge pursuant to 28 U.S.C. § 636(b), Fed. R. Civ. P. 73, and Dist. Idaho Loc. Civ. R. 72.1. For any dispositive matters so referred, the Magistrate Judge will enter a Report and Recommendation for the District Judge's consideration. At that point, the review process by a District Judge generally takes 60 days. Thus, by consenting to Magistrate Judge jurisdiction at the outset, the parties also can avoid the delays and expense of this review process, while still preserving their appeal rights.

How Do I Consent?

After the case is filed, the Clerk of the Court will send the appropriate notice and consent form as provided by the General Order. The consent form affords each party an initial opportunity to consent to having a Magistrate Judge assume complete jurisdiction over the case, including trial and entry of judgment. Each party should make a decision whether to consent to or decline Magistrate Judge jurisdiction as soon as possible.

You may, without adverse substantive consequences, withhold your consent, which would preclude Magistrate Judge jurisdiction. There are no adverse consequences to any party for withholding consent.

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[1] This insert is for information purposes only and is not intended to supersede the applicable rules, including General Order No. 422, addressing the consent process in all cases in which a plaintiff seeks review of a decision by the Commissioner of Social Security pursuant to 42 U.S.C. § 405(g).

U.S. Department of Justice

United States Attorney
District of Idaho

January 29, 2020

Hon. David C. Nye
Chief Judge, United States District Court
District of Idaho
550 West Fort Street
Boise, ID 83724

      Re: Consent to Magistrate Judge Jurisdiction in Social Security Appeals

Dear Judge Nye:

I write to confirm that the United States intends, going forward, to consent to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c), in 42 U.S.C. § 405(g) or 42 U.S.C. § 1383(c)(3) social security disability appeals filed in the District of Idaho. The United States reserves the right to withhold consent in particular cases, or to withdraw this consent in its entirety in the future. Please do not hesitate to contact me to discuss this further.

Sincerely,

Bart M. Davis
United States Attorney

ASF