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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

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IN THE MATTER OF:  
DIRECT ASSIGNMENT OF SOCIAL  
SECURITY CASES TO U.S. MAGISTRATE  
JUDGES PURSUANT TO 28 U.S.C § 636

**GENERAL ORDER 2019-08**

In order to maximize the use of available judicial resources within the United States District Court for the District of Nevada, the Court enters the following General Order to establish a pilot program for all cases seeking judicial review of final administrative decisions under 42 U.S.C. § 405(g) concerning the denial or partial denial of Social Security disability benefits, including motions for attorneys' fees asserted in such cases (hereafter, "Social Security Cases"). Under the pilot program, and with consent, Social Security Cases will be directly assigned to United States Magistrate Judges for all proceedings and resolution of the cases. The Court believes the pilot program will benefit the public and parties to Social Security Cases by helping to ensure the expeditious resolution of these matters in a manner that maximizes limited judicial resources. This pilot program will continue for a period of two years from the date of this General Order, at which time it may be continued by further order of the Court.

**I. DIRECT ASSIGNMENT OF SOCIAL SECURITY CASES TO MAGISTRATE JUDGES**

Effective January 1, 2020 all cases in which a plaintiff seeks review of a decision of the Commissioner of Social Security under 42 U.S.C. § 405(g) shall be directly and randomly assigned to a Magistrate Judge as the presiding judge pending receipt of consent or declination.

The United States has indicated its "general" consent to have Social Security Cases heard by a Magistrate Judge, subject to the United States' reservation of rights to withdraw that

1 consent in a given case, and to withdraw its general consent. The United States must submit its  
2 withdrawal of consent no later than the date it submits its response to the Complaint.

3 At the time he or she files a Social Security Case, a plaintiff will be given an option to  
4 consent or decline to proceed before a Magistrate Judge. If the plaintiff expressly consents to  
5 proceed before a Magistrate Judge, the case will remain assigned to the Magistrate Judge under  
6 28 U.S.C. § 636(c). Further, if the United States does not timely withdraw its consent in cases  
7 where a plaintiff consents, the assigned Magistrate Judge will be the sole judicial officer assigned  
8 to the case, and any appeal from a judgment entered by the assigned Magistrate Judge will be  
9 taken directly to the United States Court of Appeals for the Ninth Circuit.

10 **II. DECLINATION AND WITHDRAWAL OF CONSENT**

11 If a plaintiff declines to consent, or the United States timely withdraws its consent, the  
12 Clerk of Court will assign a District Judge to the case in addition to the already-assigned  
13 Magistrate Judge. In that event, the case shall be deemed referred, pursuant to 28 U.S.C. §  
14 636(b)(1)(B), without further order, to the same Magistrate Judge for preliminary proceedings  
15 and for the preparation of a report and recommendation as to any motion for reversal and/or  
16 remand filed by a plaintiff, or cross-motion to affirm filed by a defendant.

17 If a party declines to consent, or the United States withdraws its consent, the identity of  
18 the party will not be communicated to any judge. There will be no adverse consequences to a  
19 party that declines consent.

20 IT IS HEREBY ORDERED.

21 DATED THIS 4<sup>th</sup> day of December 2019.

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24 MIRANDA M. DU, CHIEF JUDGE  
25 UNITED STATES DISTRICT COURT  
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