

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4 *IN RE: DIRECT ASSIGNMENT OF*
5 *SOCIAL SECURITY CASES TO U.S.*
6 *MAGISTRATE JUDGES PURSUANT*
7 *TO 28 U.S.C. § 636*

GENERAL ORDER 2023-12

<input checked="" type="checkbox"/> FILED	<input type="checkbox"/> RECEIVED
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COUNSEL/PARTIES OF RECORD	
DECEMBER 12, 2023	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

8 On December 4, 2019, this court's General Order 2019-08 established a pilot
9 program for all cases seeking judicial review of final administrative decisions denying
10 Social Security disability benefits under 42 U.S.C. § 405(g) ("Social Security Cases").¹
11 Since that time, and with consent, Social Security Cases have been assigned to U.S.
12 Magistrate Judges as presiding judges for all purposes through resolution of each case.
13 This Order amends and modifies General Order 2019-08 by adopting the permanent
14 program of assigning Magistrate Judges as presiding judges on all Social Security Cases.
15 This Order also revises procedures for declining or withdrawing consent to proceed before
16 a Magistrate Judge on Social Security Cases.

17 **I. Direct Assignment of Social Security Cases to Magistrate Judges.**

18 Effective January 1, 2024, all cases in which a plaintiff seeks review of a decision
19 by the Commissioner of Social Security under 42 U.S.C. § 405(g) will be randomly
20 assigned to a Magistrate Judge as the presiding judge. The United States has given its
21 general consent to this process subject to its reservation of rights to withdraw that consent
22 in a given case and to withdraw its general consent. Consent to a Magistrate Judge is
23 voluntary. When a case is directly assigned to a Magistrate Judge, all parties are provided
24 with an option to decline consent form ("the Form"). Any party may decline consent by
25 signing and returning the Form to the court. Effective January 1, 2024, each party will be
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27 ¹General Order 2019-08 was extended by General Order 2021-03.
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1 deemed to have knowingly and voluntarily consented to proceed before the assigned
2 Magistrate Judge if the Form is not returned within 21 days from their first appearance in
3 the case. If no party timely declines to proceed before a Magistrate Judge, the case
4 will remain assigned to the Magistrate Judge as the presiding judge under 28 U.S.C.
5 § 636(c). Any appeal from a judgment entered by the assigned Magistrate Judge is
6 taken to the United States Court of Appeals for the Ninth Circuit.

7 **II. Case Initiation and Declination of Consent.**

8 Upon initiation of a Social Security case, the Clerk's Office will:

9 (a) advise the parties that consent to the assigned Magistrate Judge is voluntary
10 and that consent may be declined;

11 (b) docket a copy of this Order and the Form. The Clerk will also mail a copy
12 of this Order and the Form to all plaintiffs proceeding *pro se* and enter the event on
13 the docket;

14 (c) advise the parties that the Form must be filed in the docket or sent to the Clerk
15 within 21 days from their first appearance in the case should they choose to decline
16 consent; and

17 (d) advise the parties that, upon receipt of a declination of consent (the Form), the
18 case will be assigned to a District Judge randomly selected from the District Judges in
19 the division where the case is properly filed.

20 Any party wishing to decline consent must file or send the Form to the Clerk's Office
21 within 21 days from their first appearance in the case. If the Form is not returned by this
22 deadline, each party is deemed to have knowingly and voluntarily consented to proceed
23 before the assigned Magistrate Judge under 28 U.S.C. § 636(c).

24 If no party timely submits the Form, the case will remain assigned to the
25 Magistrate Judge under 26 U.S.C. § 636(c). If a party timely declines the assignment
26 to a Magistrate Judge, the case will be returned to the random civil case assignment
27 system for selection of a District Judge. The previously assigned Magistrate Judge will
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1 remain assigned to the case and will handle all pretrial and non-dispositive matters under
2 28 U.S.C. § 636(b)(1)(8). The assigned Magistrate Judge may also be referred motions
3 to remand and cross-motions to affirm for a report and recommendation.

4 If a party challenges the consent process or moves to withdraw consent, the case
5 will be randomly assigned to a District Judge to resolve the issue of consent. The previously
6 assigned Magistrate Judge will remain assigned to the case.

7 If a party declines consent, the identity of the declining party will not be
8 communicated to the judges. There will be no adverse consequences to a party that
9 declines consent.

10 IT IS HEREBY ORDERED THIS 12th Day of December 2023.

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14 MIRANDA M. DU, CHIEF JUDGE
15 UNITED STATES DISTRICT COURT
16 FOR THE DISTRICT OF NEVADA
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