

FILED
RICHARD W. NAGEL
CLERK OF COURT

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO**

JAN 28 PM 2:59

In Re:

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST DIV. COLUMBUS

**ASSIGNMENT OF SOCIAL SECURITY :
APPEALS TO MAGISTRATE JUDGES IN THE : GENERAL ORDER 22-04
SOUTHERN DISTRICT OF OHIO :**

**Actions Seeking Review of the Commissioner of Social Security’s Final
Decisions Granting or Denying Applications for Benefits**

Assignment and Referral of Cases to Magistrate Judges

This General Order supersedes all prior orders regarding the Court’s handling and assignment of actions which seek review of the Commissioner of Social Security’s final decisions granting or denying applications for benefits under Titles II, XVI and XVII pursuant to 42 U.S.C. § 405(g) of the Social Security Act (“Social Security Appeals”). The goal of this process is to maximize the judicial resources of this District in the handling of these cases by encouraging social security litigants to affirmatively consider consenting to the exercise of full civil case management and adjudication by its Magistrate Judges. Despite this, as assured by use of the applicable confidential form and multiple notifications, the provisions of this General Order will make certain that the parties are fully aware that there will be no imposition of any adverse substantive or procedural consequences should they choose not to consent to plenary Magistrate Judge jurisdiction.

28 U.S.C. § 636(c) provides that a Magistrate Judge “may conduct any or all proceedings in a jury or nonjury civil matter and order the entry of judgement in the case, when specially designated to exercise such jurisdiction by the district court [he/she] serves.” The Magistrate Judges in this District shall exercise jurisdiction to the fullest extent authorized by Section 636(c). In order for such jurisdiction to be exercised in Social Security Appeals, the parties must give their

consent, the Court must make it clear to the parties that there will be no adverse consequences resulting from a refusal to consent, and such consent must be voluntary. The Supreme Court has held that such consent may be implied. *Roell v. Withrow*, 538 U.S. 580, 590 (2003) (“We think the better rule is to accept implied consent where, as here, the litigant or counsel was made aware of the need for consent and the right to refuse it, and still voluntarily appeared to try the case before the Magistrate Judge.”). Timely participation in the process detailed herein to determine the parties’ position on consent is mandatory.


Process for Consenting or Refusing Consent:

- (1) Effective February 1, 2022, all new Social Security Appeals filed will be randomly assigned to the full-time Magistrate Judges in the Southern District of Ohio in equal proportions. As the presiding judge, the Magistrate Judge will conduct all proceedings in these cases, including entry of final judgement. Any appeal from the judgment entered by the Magistrate Judge shall be taken directly to the United States Court of Appeals for the Sixth Circuit.
- (2) Upon the filing of the initial complaint or the application to proceed in forma pauperis, the Clerk of the Court will docket a copy of this General Order and a Statement as to Magistrate Judge Jurisdiction Form (“Statement Form”), which shall include two options for the parties: (1) an option to consent to the jurisdiction of a Magistrate Judge; and (2) an option to decline such jurisdiction and request additional assignment to a District Judge for rendering a final judgment. The parties will not file this form in ECF but will instead submit it in writing by mailing it to the Clerk of Court as set forth in the Statement Form. If no party indicates on the Statement Form that they are withholding their consent to Magistrate Judge jurisdiction, the case will remain with the assigned Magistrate Judge for all matters, including entry of a final judgment. Further, the filing of a party’s statement of errors or memorandum in opposition without first filing an executed copy of the Statement Form will also be deemed as consent by that party to Magistrate Judge jurisdiction over all aspects of the litigation, including entry of a final judgment.
- (3) If a party has not responded to the Clerk’s docketing of this General Order and Statement Form after thirty (30) days from their mailing or receipt of electronic notification, the Clerk shall docket the following notice: “As no party has indicated on the previously issued Statement as to Magistrate Judge Jurisdiction Form that they are withholding their consent to Magistrate Judge jurisdiction, the case will remain with the assigned Magistrate Judge for all matters, including entry of a final judgment pursuant to General Order 22-04.”

- (4) If any party submits an executed Statement Form declining Magistrate Judge jurisdiction, the case will be randomly assigned to a District Judge, with the previously assigned Magistrate Judge remaining referred to the case. The Magistrate Judge will provide the assigned District Judge a report and recommendation regarding the disposition of the Social Security Appeal. If a party declines Magistrate Judge jurisdiction, *there will be no adverse substantive or procedural consequences.*
- (5) The Clerk of Court shall post a copy of this General Order on the Southern District of Ohio's website and shall distribute copies as appropriate.

IT IS SO ORDERED.

DATED: January 28, 2022


ALGENON L. MARBLEY
CHIEF UNITED STATES DISTRICT JUDGE