

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

RE: Social Security
Appeal Cases

Administrative Order

22-AO- 035

FILED USDC - CLERK DET
2022 JUN 15 AM 8:13

ADMINISTRATIVE ORDER

At their regular meeting on December 7, 2020, the Judges of the United States District Court for the Eastern District of Michigan approved a pilot program for the direct assignment of social security appeal cases to magistrate judges for a period of one year. The effective date of the pilot program is October 1, 2022.

For the duration of the pilot program, the following E.D. Mich. Local Rules are suspended as to social security appeal cases only:

E.D. Mich. Local Rule 72.1(b)(3) - Consent Jurisdiction

(b)(3) Consent Jurisdiction. Upon the consent of the judge to whom the case is assigned, and with the consent of the parties, magistrate judges are authorized to conduct civil proceedings ([LR 73.1](#)).

E.D. Mich. Local Rule 73.1(a) & (d)

- (a) Authority of a Magistrate Judge.** Upon consent of all of the parties, and upon approval of the district judge to whom the case is assigned through entry of an order of reference, a magistrate judge may conduct all proceedings in a civil case and order entry of judgment in the case.
- (d) Reference of Civil Consent Case.** Upon filing of an executed form as described in (c), the clerk will send it to the district judge. The district judge may then refer the case to the magistrate judge for all further proceedings. A magistrate judge may exercise consent jurisdiction only if the district judge enters an order specifically referring the case.

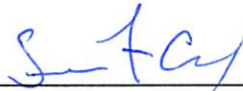
PROCEDURE

1. Social Security Cases filed using the Nature of Suit Codes 861, 862, 863, 864 and 865, will be randomly assigned to a Magistrate Judge as the presiding judge.
2. After the Commissioner of Social Security files an answer and the transcript of administrative proceedings, the Clerk shall enter the attached *Order Regarding Consent to the Magistrate Judge and Setting Motion Deadlines* (the "order").
3. The order will set the briefing schedule and inform the parties of their option to consent to the dispositive jurisdiction of a magistrate judge. The order will also contain a *Joint Statement Regarding Consent* form for the parties to file to formally consent to or decline exercising this option. The parties shall comply with the briefing schedule and requirements established by the order.
4. The Commissioner of Social Security is responsible for filing the *Joint Statement Regarding Consent* within 21 days after filing of the order. If both parties do not consent to the dispositive jurisdiction of a magistrate judge within 21 days of the Clerk's issuance of the order or fail to file the *Joint Statement Regarding Consent*, the Clerk shall automatically assign the case at random to a district judge without the necessity of any further direction from the Court. The case will then be automatically referred to the originally assigned magistrate judge for the issuance of a report and recommendation.

This Administrative Order shall remain in effect for one year from the effective date of the pilot program or until the entry of a superseding Administrative Order.

IT IS SO ORDERED.

FOR THE COURT:



Sean F. Cox
Chief Judge

6/14/22

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

Plaintiff,

Case No:

v.

Hon.

Defendant.

_____ /

ORDER REGARDING CONSENT TO THE MAGISTRATE JUDGE
AND
SETTING MOTION DEADLINES

Pursuant to Administrative Order 22-AO-XXX, this case has been assigned to the above-referenced magistrate judge. The parties must indicate on the attached Joint Statement Regarding Consent, to be filed by Defendant on or before **[DATE]**, whether they both consent to assignment to the magistrate judge.¹

The parties shall confer by telephone regarding the issue of consent at least three business days prior to the deadline to file their Joint Statement. Defendant is responsible for setting the telephone conference. If the parties do not jointly consent to the dispositive jurisdiction of the magistrate judge within 21 days of this order, the Clerk shall assign the case at random to a district judge without necessity of any further direction from the Court.

¹ In accordance with the provisions of 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73, you are hereby notified that, upon the consent of all the parties, the United States magistrate judges of this district court may conduct any or all proceedings in this Social Security case, including entry of a final judgment. Your decision to consent to the referral of your case to a United States magistrate judge for disposition is entirely voluntary. If all the parties do not consent to a magistrate judge, the case will be randomly re-assigned to a district judge. It is the practice of this Court to automatically refer the case to the originally assigned magistrate judge for the issuance of a report and recommendation.

The Defendant has filed the transcript of the administrative proceedings and it is the practice of this Court to adjudicate such actions on cross motions for summary judgment.

IT IS ORDERED that the parties shall follow the below briefing schedule.

Plaintiff's Motion for Summary Judgment	[Date]
Defendant's Motion for Summary Judgment	[Date]
Plaintiff's Reply	[Date]

Unless otherwise ordered by the Court, this case will be decided on the briefs without oral argument and is ready for disposition after the passing of the above deadlines.

Pursuant to Rule 6 of the ECF Policies and Procedures, motions and briefs must comply with the illustrated format below. The ECF No. and PageID are located in the blue document header of all electronically filed documents, applied by the electronic filing system at the time of filing.

<u>To reference:</u>	<u>Citation form example:</u>
A single page	ECF No. 10, PageID.234
An administrative record with docket subparts	ECF No. 11-2, PageID.289
Multiple sequential pages	ECF No. 12, PageID.311-312
Multiple pages not in succession	ECF No. 13, PageID.334, 351, 359
Multiple documents	ECF No. 14; ECF No. 15

Motions and briefs that do not use the proper format will be stricken and must be corrected before refiling.

IT IS SO ORDERED.

Date:

JUDGE NAME
United States Magistrate Judge

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

Plaintiff,

Case No:

v.

Hon.

Defendant.

_____ /

JOINT STATEMENT REGARDING CONSENT

_____ The parties request this case be assigned to a district judge.

_____ In accordance with the provisions of 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73, the parties in this Social Security case consent to the United States magistrate judge conducting any or all proceedings in this case, including entry of a final judgment and all post-judgment matters. The decision to consent to the referral of this case to a United States magistrate judge for disposition is entirely voluntary.

Plaintiff/Counsel for Plaintiff

Counsel for Defendant

Dated: _____

Dated: _____