

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS

IN RE: **PLAN FOR DIRECT ASSIGNMENT OF SOCIAL SECURITY APPEAL
CASES TO A UNITED STATES MAGISTRATE JUDGE**

GENERAL ORDER NO. 42

I. Direct Assignment

The Clerk of Court will assign all cases filed pursuant to § 205(g) of the Social Security Act, 42 U.S.C. § 406(g), for benefits under Titles II, XVI, and XVII of the Act to a United States Magistrate Judge at the time of filing.

II. General Provisions of Direct Assignment

A. Magistrate Judge Authority

In a case directly assigned to a United States Magistrate Judge, the Magistrate Judge is responsible for all case management and scheduling activities. If all parties consent in writing to the Magistrate Judge's exercise of civil trial jurisdiction, the case will remain assigned to the Magistrate Judge for all purposes, including entry of final judgment. See 28 U.S.C. § 636(c); Fed.R.Civ.P. 73; Local Rule 72.1.X.B.

B. Appeal

Appeal from a final judgment entered at a Magistrate Judge's direction may be taken to the Court of Appeals as would any other appeal from a district court judgment. See 28 U.S.C. § 636(c) (3); Fed.R.Civ.P. 73(c); Local Rule 72.1.X.C.

C. Supplement to Existing Consent Option

The direct assignment of cases to Magistrate Judges supplements, and does not replace, the parties' ability to consent to the exercise of jurisdiction by a Magistrate Judge, either initially or later, in a case assigned to a District Judge.

III. Notification, Consent and Reassignment

A. Notice

In all cases directly assigned to a Magistrate Judge, the Clerk of Court will enter a Notice of Direct Assignment, with Consent/Reassignment Form. The plaintiff will have fourteen (14) days from the date the Notice of Direct Assignment was entered to return the Consent/Reassignment Form to the Clerk of Court.

B. Consent Voluntary

All parties are free to request a reassignment to a District Judge without the imposition of any adverse substantive consequences.

C. Response Mandatory

While consent to the assignment of a case to a Magistrate Judge is entirely voluntary, submission of the Consent/Reassignment Form, memorializing the consent or requesting reassignment to a District Judge, is **mandatory**. Failure to submit the Consent/Reassignment Form in a timely manner may result in delay in processing the case.

D. Reassignment of Cases

A case directly assigned to a Magistrate Judge will be reassigned to a District Judge if all the parties have not consented to the exercise of jurisdiction by a Magistrate Judge. The Clerk of Court will enter an order of reassignment on behalf of the Chief District Judge. The Magistrate Judge will remain the referral judge on the case.

E. Filing of Consent/Reassignment Forms

The plaintiff's Consent/Reassignment Form will be sent to and filed by the clerk, along with a copy of the Standing Consent from the United States Attorney.

F. United States Attorney Standing Consent to Exercise Jurisdiction by a United States Magistrate Judge

The United States Attorney for the Western District of Arkansas submitted a letter to the Clerk of Court dated March 31, 2011, providing a standing consent to have a Magistrate Judge conduct any and all proceedings, including the entry of final judgement, in all cases in which the plaintiff is seeking review of the administrative action of the Social Security Administration. The standing consent is revocable by the United States Attorney in any case, and such revocation in a particular case will be exercised by advising the Clerk of Court in writing at the appropriate state of the proceedings.

Dated this 17th day of January 2013.

US DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FILED

JAN 17 2013

CHRIS R. JOHNSON, Clerk
By

Deputy Clerk



HONORABLE P. K. HOLMES, III
CHIEF UNITED STATES DISTRICT JUDGE