

FILED

JUL 22 2016

Mark C. McCartt, Clerk
U.S. DISTRICT COURT

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

ACTIONS SEEKING REVIEW OF) GO-16-8 (superseding 16-05)
THE COMMISSIONER OF SOCIAL)
SECURITY'S FINAL DECISION) RE: SOCIAL SECURITY CASES
DENYING AN APPLICATION) CONSENT
FOR BENEFITS)

GENERAL ORDER

This general order supersedes General Order 16-05 and establishes the process for assigning civil cases from the initial case assignment wheel in cases seeking judicial review of a decision from the Commissioner of the Social Security Administration ("Social Security Cases"). The goal of this process is to maximize the judicial resources of this district in the management of Social Security Cases by encouraging litigants in these cases to consent to the exercise of full civil case management by its magistrate judges.

AUTHORITY:

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 judgment in the case, when specially designated to exercise such jurisdiction by the district court or courts he serves." The magistrate judges of this district shall exercise jurisdiction to the fullest extent authorized in Section 636. In order for such jurisdiction to be exercised in Social Security Cases, the parties must consent, the court must make clear to the parties that there will be no adverse consequences to a failure to consent, and such consent must be voluntary. *Id.* The Supreme Court has found 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.").

PROCESS FOR CONSENTING:

(1) Effective June 2, 2016, all new Social Security Cases filed will be randomly assigned to the full time magistrate judges in this district in equal proportions. As the presiding judge, the assigned magistrate judge will conduct all proceedings in these cases, including entry of final judgment. Any appeal from the judgment entered by the assigned magistrate judge shall be taken directly to the United States Court of Appeals for the Tenth Circuit.

(2) Within twenty-one (21) days of the filing of the initial Complaint, the Court Clerk will provide to the parties a copy of this general order and a Statement as to Magistrate Judge Jurisdiction form ("Statement Form"), which shall include two options: (1) an option to consent to the jurisdiction of this district's magistrate judges; and (2) an option to decline such jurisdiction and request reassignment to a district judge. If no party files an executed Statement Form declining magistrate judge jurisdiction, the case will remain with a magistrate judge as the presiding judge. Further, the filing of a party's opening brief or response brief without first filing an executed Statement Form will be deemed written consent to proceed before a magistrate judge.

(3) If within twenty-one (21) days of entry of the initial scheduling order no party has filed an executed Statement Form declining magistrate judge jurisdiction and either party has not filed an executed Statement Form consenting to magistrate jurisdiction, the Court Clerk shall send a reminder to the parties. The reminder shall advise the parties that in the absence of a filed Statement Form declining magistrate judge jurisdiction, the case will remain with the assigned magistrate judge as the presiding judge and that the filing of a party's opening brief or response brief without first filing an executed Statement Form will be deemed written consent to proceed before a magistrate judge.

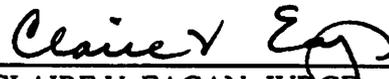
(4) If any party files an executed Statement Form declining magistrate judge jurisdiction, the case will thereafter be exempt from this general order and randomly reassigned to a district court judge and a magistrate judge from the civil case assignment deck. If a party declines magistrate judge jurisdiction, there will be no adverse consequences to that party.

(5) The Court Clerk shall post a copy of this Order on the Court's website, and shall distribute copies as he deems appropriate.

This Order supersedes General Order 16-05.

DATED this 22nd day of July, 2016.


GREGORY K. FRIZZELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT


CLAIRE V. EAGAN, JUDGE
UNITED STATES DISTRICT COURT


JOHN E. DOWDELL, JUDGE
UNITED STATES DISTRICT COURT


JAMES H. PAYNE, JUDGE
UNITED STATES DISTRICT COURT


TERENCE C. KERN, JUDGE
UNITED STATES DISTRICT COURT