FILED

MAY 2 0 2016

Phil Lombardi, Clerk
U.S. DISTRICT COURT

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

ACTIONS SEEKING REVIEW OF	) GO-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 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 Social Security Cases will be assigned randomly to the full time magistrate judges in this district in equal proportions. The assigned magistrate judge will conduct all proceedings in these cases.

(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 consent form, which shall include two options: (1) an option to consent to the jurisdiction of this district's magistrate judges and (2) a district judge option. If no party returns an executed consent form with the district judge option selected to the Court Clerk, the case will remain with the assigned magistrate judge as the presiding judge.

(3)   If any party has not returned an executed consent form and no party has returned a consent form with the district judge option selected within twenty-one (21) days of entry of a scheduling order, the Court Clerk shall send a reminder to the parties. The reminder shall advise the parties that in the absence of a returned consent form, which selects the district court judge option, the case will continue to be assigned to a magistrate judge. Consent forms shall be returned by transmission to the Court Clerk by emailing the form as a pdf file to consents@oknd.uscourts.gov.

(4)   If any party returns a consent form which selects the district court judge option, 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 to consent to the jurisdiction of the magistrate judges, 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.
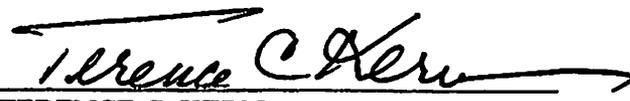
DATED this 20th day of May, 2016.

GREGORY K. FRIZZELL
CHIEF UNITED STATES DISTRICT JUDGE

CLAIRE V. EAGAN
UNITED STATES DISTRICT JUDGE

JOHN E. DOWDELL
UNITED STATES DISTRICT JUDGE

JAMES H. PAYNE
UNITED STATES DISTRICT JUDGE

TERENCE C. KERN
UNITED STATES DISTRICT JUDGE