

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE:** :  
: **STANDING ORDER**  
**DIRECT ASSIGNMENT OF SOCIAL** :  
**SECURITY APPEALS TO** :  
**MAGISTRATE JUDGES –** :  
**EXTENSION OF PILOT PROGRAM** :

In order to maximize the use of available judicial resources within the Eastern District of Pennsylvania and to “secure the just, speedy, and inexpensive determination of every action and proceeding” consistent with Rule 1 of the Federal Rules of Civil Procedure, the Court previously established a two-year Pilot Program for direct assignment of Social Security appeals to Magistrate Judges, effective September 4, 2018. In accordance with the unanimous decision of the Board of Judges, this Standing Order is issued to extend the Pilot Program and to continue in effect the direct assignment procedures set forth in the Standing Order of August 21, 2018, as amended herein, until further Order of the Court. This Standing Order supersedes the Standing Order of August 21, 2018, which amended the Standing Order regarding Assignment Procedure for Habeas Corpus and Social Security Cases for United States Magistrates dated May 29, 1990, and established the Pilot Program. The procedures set forth below shall apply to all appeals from the final decision of the Commissioner of Social Security pursuant to § 405(g) of the Social Security Act, until the Court orders otherwise:

I. Direct Assignment of Cases to Magistrate Judges

- A. All appeals from the final decision of the Commissioner of Social Security pursuant to § 405(g) of the Social Security Act (hereinafter “case” or “cases”) will be assigned to a Magistrate Judge of the Court at the time of filing.
- B. After a case is filed and a Magistrate Judge of the Court is assigned, when the fee is paid or *In Forma Pauperis* (IFP) status is granted, the Clerk of Court shall docket in each case the Standing Procedural Order for Cases Seeking Social Security Review dated November 19, 2018, as well as the Supplemental Standing Procedural Order for Cases Seeking Social Security Review dated July 6, 2020, if then in effect, which will govern the proceedings of the case unless vacated by a District Court Judge to whom the case is reassigned.

II. Notification, Consent, and Reassignment

A. General Consent of the United States

The United States, by the United States Attorney for the Eastern District of Pennsylvania and the Regional Counsel for the Social Security Administration, has filed a General Consent Form with the Clerk of Court indicating its general consent

to Magistrate Judge jurisdiction on cases of this nature subject to its reserved right to withdraw the consent in a given case and to withdraw its general consent. (A copy is attached hereto.)

B. Notice

After the case is directly assigned to a Magistrate Judge, the Clerk of Court shall send to each party at the time of the party's first appearance a Notice of Direct Assignment and a Consent/Declination Form. An entry shall be made on the docket that the Notice of Direct Assignment and a Consent/Declination Form were sent. The Notice of Direct Assignment shall: (1) identify the Magistrate Judge to whom the case is assigned; (2) confirm that any withdrawal of consent by the United States must be filed no later than twenty-one (21) days after the date of the Notice of Direct Assignment; (3) notify the plaintiff and/or plaintiff's counsel of plaintiff's right to consent to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c); (4) provide a Consent/Declination Form for the plaintiff to complete and advise the plaintiff that the executed Consent/Declination Form must be received by the Clerk of Court within twenty-one (21) days of the date of the Notice of Direct Assignment; and (5) advise the parties as to the Court's procedure in the absence of consent, or in the event of a failure to complete and submit the Consent/Declination Form.

C. Consent Voluntary

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

D. Response Mandatory

While consent to the assignment of the case to a Magistrate Judge is entirely voluntary, submission of the Consent/Declination Form, memorializing consent or requesting reassignment to a District Judge, is mandatory. Failure to complete and submit the Consent/Declination Form within twenty-one (21) days, as required in paragraph II(B) above, may be deemed consent to the jurisdiction of a Magistrate Judge, and the Magistrate Judge will exercise jurisdiction for all purposes under 28 U.S.C. § 636(c), as set forth in section III. *See Roell v. Withrow*, 538 U.S. 580 (2003) (a party's consent to the Magistrate Judge's jurisdiction under § 636(c) is supplied by a "general appearance[] before the Magistrate Judge, after they had been told of their right to be tried by a district judge").

E. Reassignment of Cases

If the plaintiff timely consents, or fails to timely complete and submit the Consent/Declination Form, and if the United States does not timely withdraw its consent, the case shall be deemed assigned to the Magistrate Judge without the necessity of an Order of referral. In the event that the plaintiff timely files a

declination of consent, or if the United States timely withdraws its consent, the Clerk of Court shall reassign the case to a District Judge in accordance with existing random assignment procedures. The assigned Magistrate Judge shall remain the referral judge on the case, in the event the reassigned District Judge refers the case to a Magistrate Judge for a Report and Recommendation.

F. Filing of Consent/Declination Forms

The Consent/Declination Forms shall be sent to and filed by the Clerk of Court.

III. Proceedings when Consent is Given by All Parties

A. Jurisdiction

If all parties consent in writing to the Magistrate Judge's exercise of civil trial jurisdiction, or the plaintiff is deemed to have consented by a failure to timely complete and submit the Consent/Declination Form, the case will remain assigned to the Magistrate Judge for all purposes, including trial and entry of final judgment. *See* 28 U.S.C. § 636(c); Fed. R. Civ. P. 73; Loc. R. Civ. P. 72.1(III).

B. Appeal

Appeal from a final judgment entered by a Magistrate Judge 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).

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, nor does it limit the District Judge's authority to refer a case to a Magistrate Judge for any purpose under 28 U.S.C. § 636, Federal Rule of Civil Procedure 72, or Local Rule of Civil Procedure 72.1.

/s/ Juan R. Sánchez  
Juan R. Sánchez  
Chief Judge

Date: November 27, 2020

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

**CONSENT OF UNITED STATES  
TO PARTICIPATE IN PILOT PROGRAM FOR  
DIRECT ASSIGNMENT OF SOCIAL SECURITY  
APPEALS TO MAGISTRATE JUDGES**

U.S. ATTORNEY

REGIONAL COUNSEL – SOCIAL SECURITY ADMINISTRATION

The United States of America hereby consents to participate in the Court's Pilot Program for direct assignment of Social Security Appeals to Magistrate Judges as described in the Court's Standing Order of \_\_\_\_ ("Pilot Program"), a copy of which is attached hereto.

The United States reserves the right to withdraw its consent in a given case, and to withdraw the general consent at any time, provided the withdrawal of consent, whether general or specific, is in writing and filed with the Clerk of Court.

**UNITED STATES OF AMERICA**

BY: 

Gregory B. David  
Chief, Civil Division  
United States Attorney's Office,  
Eastern District of Pennsylvania

**SOCIAL SECURITY ADMINISTRATION**

BY: 

Nora R. Koch  
Regional Chief Counsel, Region III  
Office of the General Counsel

DATED: 6/21/18

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