

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY**

**IN RE: STANDING PROCEDURES GOVERNING
ACTIONS SEEKING JUDICIAL REVIEW
OF THE COMMISSIONER OF SOCIAL
SECURITY'S FINAL DECISION DENYING
AN APPLICATION FOR BENEFITS**

**GENERAL ORDER
NO. 23-02**

The Court has adopted the following policies and procedures pertaining to all actions instituted by a plaintiff against the Commissioner of Social Security in which the only claim is being brought pursuant to 42 U.S.C. § 405(g).

CASE ASSIGNMENT

Pursuant to the Local Rule 40.1(a), all cases filed as of this date in which a plaintiff seeks review, pursuant to 42 U.S.C. §405(g), of a decision by the Commissioner of Social Security, shall be assigned to a United States Magistrate Judge in the following percentages:

Louisville Social Security Cases

Each Louisville Magistrate Judge = 50%

Bowling Green Social Security Cases

The Paducah and Bowling Green Magistrate Judges shall randomly receive new case assignments from Bowling Green in such proportions as are necessary to ensure that they receive a roughly equal distribution of Social Security Case assignments district-wide.

Paducah Social Security Cases

Paducah Magistrate Judge = 100%

Owensboro Social Security Cases

Bowling Green Magistrate Judge = 100%

Recusals

Should the Louisville Magistrate Judge assigned to a case recuse, the case shall be reassigned to the other Louisville Magistrate Judge. Should the Paducah Magistrate Judge recuse, the case shall be reassigned to the Bowling Green Magistrate Judge. Should the Bowling Green Magistrate Judge assigned to the case recuse, the case shall be reassigned to the Paducah Magistrate Judge. In the event that the recusal process outlined herein is exhausted, the Chief Judge will determine reassignment.

CONSENT

The United States has already indicated its general consent to Magistrate Judge jurisdiction in cases of this nature, subject to reserved rights to withdraw the consent in a given case and to withdraw its general consent. Promptly after the filing of all such cases, the Clerk shall direct a Notice of Social Security Case Assignment to all parties:

- (a) Identifying the magistrate judge to whom the case has been assigned;
- (b) Providing basic information concerning consent references to Magistrate Judges;
- (c) Confirming that any withdrawal of consent by the United States must be filed no later than the date the United States files its answer to the complaint;
- (d) Notifying plaintiff's counsel, or plaintiff if he or she is proceeding *pro se*, of plaintiff's right to consent to magistrate judge jurisdiction pursuant to 28 U.S.C. §636(c);
- (e) Providing a consent form for plaintiff to complete and advising plaintiff that the executed form must be received by the Clerk within 21 days of the date of the Notice; and
- (f) Advising the parties as to the court's procedure in the absence of consent.

If plaintiff timely consents, and if the United States does not timely withdraw consent, the case shall be deemed assigned to the magistrate judge without the necessity of an order of reference. In the event that the plaintiff does not timely consent, or if the United States timely withdraws its consent, the Clerk shall reassign the case to a U.S. District Judge as provided in the court's general order governing civil case assignments. Such reassigned cases shall be referred to the same Magistrate Judge to whom the case was originally assigned for all pretrial, non-dispositive matters and for findings of fact, conclusions, and recommendations for disposition.

NOTICE OF FILING

Upon the filing of a complaint seeking judicial review under 42 U.S.C. § 405(g) of a final decision of the Commissioner that presents only an individual claim, and promptly following the receipt of the required filing fee or entry of an order granting a plaintiff's application to proceed *in forma pauperis* and resolution of any outstanding issues with filing, the Clerk of Court will

transmit the following Notice of Filing to the appropriate email addresses furnished by the USAO-WDKY:

NOTICE OF SERVICE: Pursuant to Rule 3 of the Supplemental Rules for Social Security Actions under 42 U.S.C. § 405(g) and General Order 2023-02, the Court hereby notifies the Commissioner of the Social Security Administration and the United States Attorney's Office for the Western District of Kentucky that a Complaint seeking judicial review has been filed. This Notice of Electronic Filing is the official notification referenced in Rule 3 of the Supplemental Rules for Social Security Actions. The plaintiff does not need to serve separately a summons and complaint under Civil Rule 4. No document is attached.

If the complaint was not filed electronically, the Clerk shall send a paper copy of this notice to the Plaintiff.

PARTY IDENTIFICATION

In an effort to balance the need to provide public access to opinions in Social Security appeals with the need to protect the substantial personal and medical information contained in these cases, the Judicial Conference's Committee on Court Administration and Case Management has recommended that courts consider adopting a practice of using only the first name and last initial of any claimant in its opinions.

NOW THEREFORE, effective immediately, in all opinions, reports and recommendations, and orders ruling on reports and recommendations issued in cases filed pursuant to Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), in the United States District Court for the Western District of Kentucky, any non-government party will be identified and referenced solely by first name and last initial. This change will only apply to the opinions issued in Social Security cases and will not apply to the PACER docket which will continue to display the non-government party's full name. Cases filed on behalf of a minor will continue to refer to the minor by first and last initial.

This General Order, issued in light of the adoption of the Supplemental Rules for Social Security Actions under 42 U.S.C. § 405(g), supersedes and revokes General Orders 22-05, 21-20, and 2019-11.

DATED: February 24, 2023

