



United States District Court

DISTRICT OF SOUTH DAKOTA

LR 83.9 PROCEDURES IN SOCIAL SECURITY CASES

- A. Direct Assignment of Cases to Magistrate Judge.** Every case filed under 42 U.S.C. § 405(g) will be direct assigned to a magistrate judge by division.
- B. Consent and Reassignment.** On or before the date on which the answer must be filed, each party must submit a completed Social Security Case Assignment Form, through which the party either:
1. consents to disposition of the case by the magistrate judge under 28 U.S.C. § 636(c); or
 2. asks to have a district judge assigned to the case.

The Social Security Case Assignment Form must be submitted to the clerk in paper and not filed on the CM/ECF system.

If any party asks to have a district judge assigned to the case, it will be randomly assigned. The magistrate judge assigned to the case will remain assigned to the case to conduct such proceedings as the district judge directs.

- C. Filing an Answer and the Administrative Record.** Within 60 days after notice of an action is given, the Commissioner of Social Security must electronically file and serve an answer and/or certified copy of the administrative record consistent with Rule 4 of the Supplemental Rules for Social Security (Supplemental Rules).
- D. Briefing.** The briefing deadlines in the Supplemental Rules apply to all actions brought under 42 U.S.C. § 405(g). As of the adoption of this Local Rule, unless the Court orders otherwise, the deadlines are: The plaintiff's brief is due 30 days after the answer or certified record is filed or 30 days after **entry** of an order disposing of the last remaining motion to dismiss. The commissioner's brief is due 30 days after service of the plaintiff's brief. The plaintiff may file a reply brief within 14 days after service of the commissioner's brief.