IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA

IN RE: PROCEDURES IN	)	
SOCIAL SECURITY CASES	)	STANDING ORDER 21-10

In order to maximize the use of available judicial resources 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 procedures 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 effective November 1, 2021:

1.   Direct Assignment of Cases to Magistrate Judges

Every case filed under 42 U.S.C. § 405(g) will be assigned to a magistrate judge by division.
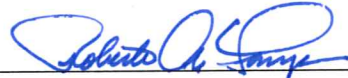
2.   Consent and Reassignment

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 (a) consents to disposition of the case by the magistrate judge under 28 U.S.C. § 636(c) or (b) 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 in the CM/ECF system. Failure to submit a completed form as required 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). *See Roell v. Withrow,* 538 U.S. 580, 123 S. Ct. 1696, 1704 (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").

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

Dated this 24ᵗʰ day of September 2021.

BY THE COURT:

_____

ROBERTO A. LANGE
CHIEF JUDGE