

**UNITED STATES DISTRICT COURT
DISTRICT OF IDAHO**

IN RE:

**GENERAL CONSENT TO
UNITED STATES MAGISTRATE
JUDGES, PURSUANT TO 28 U.S.C.
SECTION 636(C) IN SOCIAL
SECURITY CASES**

GENERAL ORDER NO. 359

In accordance with 28 U.S.C. § 636(c)(1) and with the decision in *Williams v. King*, 875 F.3d 500 (9th Cir. 2017), **IT IS HEREBY ORDERED** that all cases filed by a petitioner seeking review of a decision by the Commissioner of Social Security, pursuant to 42 U.S.C. § 405(g), shall be randomly assigned to a United States Magistrate Judge, provided, however, that the Chief Judge may direct the reassignment of cases as necessary to assure a more equitable distribution of the Court's caseload. This Order supersedes and replaces General Order 10, section 3, with respect to the assignment of appeals from adverse rulings of the Commissioner of Social Security.

The United States has informed the Court of its general consent to Magistrate Judge jurisdiction in cases of this nature, subject to a reservation of the right to withdraw the consent in unusual cases, and a reservation of the right to withdraw its general consent in the future. Upon the filing of all such cases, the Clerk of Court will direct a Notice of Social Security Case Assignment and a Procedural Order to all parties that:

- 1) Identifies the Magistrate Judge to whom the case is assigned;
- 2) Confirms that any withdrawal of consent by the United States must be filed no later than the date the United States files the administrative record;
- 3) Notifies petitioner and/or petitioner's counsel of petitioner's right to consent to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c);
- 4) Provides a consent form for petitioner to complete and advises petitioner that the Clerk of Court must receive the executed form within **21 days** of the date of the notice;

- 5) Advises the parties as to the Court's procedure as set forth below in the absence of petitioner's consent; and
- 6) Advises the parties regarding deadlines for filing the Administrative Record, and sets forth the briefing schedule.

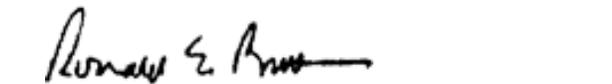
IT IS FURTHER ORDERED that if petitioner timely consents, and if the United States does not timely withdraw consent, the case will be deemed assigned to the Magistrate Judge for all purposes without the necessity of an order of referral. In the event that the petitioner does not timely consent, or if the United States timely withdraws its consent, the Clerk of Court will randomly reassign the case to a United States District Judge. Reassigned cases will be referred pursuant to 28 U.S.C. § 636(b)(1)(B), without further order, to the same Magistrate Judge who was initially drawn to conduct preliminary proceedings, including all pretrial, non-dispositive matters, and to issue a Report and Recommendation to the assigned District Judge, unless the District Judge directs otherwise.

IT ALSO IS HEREBY ORDERED that the Clerk of the Court may make ministerial changes to the attached Procedural Order, Notice of Social Security Case Assignment Form and Consent Form without revision of this General Order.

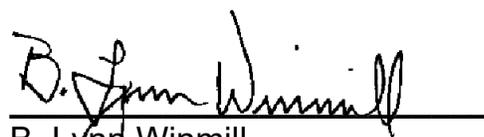
DATED: March 3, 2020



David C. Nye
Chief United States District Judge



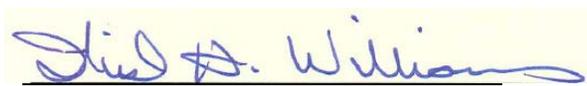
Ronald E. Bush
Chief United States Magistrate Judge



B. Lynn Winmill
United States District Judge



Candy Wagahoff Dale
United States Magistrate Judge



Mikel H. Williams
United States Magistrate Judge



U.S. Department of Justice

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January 29, 2020

Hon. David C. Nye
Chief Judge, United States District Court
District of Idaho
550 West Fort Street
Boise, ID 83724

Re: Consent to Magistrate Judge Jurisdiction in Social Security Appeals

Dear Judge Nye:

I write to confirm that the United States intends, going forward, to consent to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c), in 42 U.S.C. § 405(g) or 42 U.S.C. § 1383(c)(3) social security disability appeals filed in the District of Idaho. The United States reserves the right to withhold consent in particular cases, or to withdraw this consent in its entirety in the future. Please do not hesitate to contact me to discuss this further.

Sincerely,

A handwritten signature in black ink, reading "Bart M. Davis". The signature is fluid and cursive, with a long, sweeping underline that extends to the left.

Bart M. Davis
United States Attorney

ASF