

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

IN RE: SOCIAL SECURITY
APPEAL CASES

Administrative Order No. 16-MS-018

By administrative order entered September 17, 2010 (Administrative Order No. 10-074), procedures for all Social Security actions filed on and after that date were adopted.

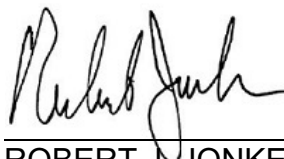
Administrative Order No. 16-MS-017, effective March 7, 2016, requires that any reference to portions of the court record be made by reference to the unique sequential page identification, known as PageID. To incorporate these new requirements, Administrative Order No. 10-074, including the attachment thereto, must be amended. In addition, language changes to clarify the briefing requirements are necessary.

NOW, IT IS THEREFORE ORDERED that Administrative Order No. 10-074 is hereby amended as follows, effective March 7, 2016.

Promptly after the Commissioner of Social Security files an answer and the transcript of administrative proceedings in a Social Security case, the Clerk shall issue a notice to the parties, substantially complying with the attachment to this order. The Court expects strict compliance with the briefing requirements established by the notice. The magistrate judge assigned to the case may grant extensions of time, but only upon a showing of extreme hardship. Requests for extension of page limits will not be favored.

The notice will also inform the parties of their option to consent to the dispositive jurisdiction of a magistrate judge and provide a joint statement for the parties' use in exercising this option. If the parties do not unanimously consent to the dispositive jurisdiction of a magistrate judge within fourteen days of the Clerk's issuance of the attached notice, the Clerk shall assign the case at random to a district judge without necessity of any further direction from the Court; the case will be automatically referred to the originally assigned magistrate judge for the issuance of a report and recommendation.

FOR THE COURT:



ROBERT J. JONKER
Chief United States District Judge
Signed in Marquette, Michigan

Dated: February 9, 2016

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
[SOUTHERN/NORTHERN] DIVISION

[PLAINTIFF NAME],

Plaintiff,

Case No. [number]

v.

Hon. [Presiding Judge]

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

NOTICE REGARDING CONSENT AND DIRECTING FILING OF BRIEFS

Defendant's answer and the transcript of the administrative proceedings have been filed with the Court. This case has been assigned to Magistrate Judge [MJ name]. The parties must indicate in a Joint Statement Regarding Consent, to be filed by Defendant on or before **[14 days]**, whether they both consent to assignment to a magistrate judge¹. The parties shall confer by telephone regarding the issue of consent at least three business days prior to the deadline to file their Joint Statement. Defendant is responsible for setting the telephone conference.

The parties are ordered, pursuant to the attached Administrative Order No. 16-MS-018, to file their briefs according to the following requirements:

Plaintiff's initial brief is to be filed by **[28 days]**. The initial brief shall not exceed 20 pages and must contain a Statement of Errors, setting forth in a separately numbered section, each specific error of fact or law upon which Plaintiff seeks reversal or remand. Failure to identify an issue in the Statement of Errors constitutes a waiver of that issue. Motions for summary judgment are inappropriate in Social Security cases and shall not be filed.

Defendant's brief, which shall not exceed 20 pages, is to be filed by **[56 days]**.

Plaintiff's reply brief, which shall not exceed five pages, is to be filed by **[70 days]**.

Any allegation of fact in a brief **must be supported by citation to the administrative record by PageID**. The PageID is located in the blue document header of all electronically filed documents, applied by the electronic case filing system at the time of filing. It is a sequential pagination of the entire District Court record, uniquely identifying each page. The PageID cite form is: "PageID.234."

¹In accordance with the provisions of 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73, you are hereby notified that the United States magistrate judges of this district court may, upon the consent of all the parties in a Social Security case, conduct any or all proceedings in this case, including entry of a final judgment. You should be aware that your decision to consent to the referral of your case to a United States magistrate judge for disposition is entirely voluntary. If all the parties do not consent to a magistrate judge, the case will be randomly assigned to a district judge. In accordance with 28 U.S.C. § 636(c)(3) and Fed. R. Civ. P. 73(c), any appeal from a judgment entered by a magistrate judge shall be taken directly to the United States Court of Appeals for this judicial circuit in the same manner as an appeal from any other judgment of a district court.

It is imperative that PageID citations are accurate and appear in the format indicated, as they provide the reviewing judicial officer with an electronic link to the precise page in the record where the evidence is found. Failure to provide proper PageID citations will result in rejection of the brief.

The Court expects strict compliance with these briefing requirements. Requests to exceed the page limitations are not favored, and requests for extensions of time will not be granted except upon a showing of extreme hardship. Failure to adhere to the briefing requirements may result in dismissal of the action or the entry of a default judgment, as appropriate.

After the expiration of the briefing schedule, the Court will decide this case on the basis of the administrative record and the briefs.

CLERK OF COURT

Dated: [date]

By: /s/ [JA/CRD]
Deputy Clerk

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
[SOUTHERN/NORTHERN] DIVISION

[PLAINTIFF NAME],

Plaintiff,

Case No. [number]

v.

Hon. [Presiding Judge]

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

_____ /

JOINT STATEMENT REGARDING CONSENT

_____ The parties request this case be assigned to a district judge.

_____ In accordance with the provisions of 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73, the parties in this Social Security case consent to the United States magistrate judge conducting any or all proceedings in this case, including entry of a final judgment and all post-judgment matters. The decision to consent to the referral of this case to a United States magistrate judge for disposition is entirely voluntary.

Plaintiff/Counsel for Plaintiff

Counsel for Defendant

Dated: _____

Dated: _____