

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

IN RE: ASSIGNMENT OF SOCIAL SECURITY
APPEAL CIVIL CASES

General Order No. 2023-26

GENERAL ORDER

This general order is being entered pursuant to 28 U.S.C. § 137 and Local Rule 40-1, providing for distribution of the court's business and caseload among the Judges in such manner as may be prescribed by order of the court.

This order refers to the separate assignment wheel for Social Security Appeals.

IT IS HEREBY ORDERED that all Social Security Appeal cases filed in the Northern District of Indiana shall be randomly assigned on a district-wide basis to United States District Court Judges and Magistrate Judges without regard to the courthouse or division in which the case is filed.

This Order supersedes General Order 2020-27 entered on August 28, 2020, and shall not affect the assignment of civil cases, other than Social Security Appeals, or criminal cases.

1. Assignment of a Presiding Judge

Except as hereinafter provided, the initial assignment of a presiding judge to any Social Security Appeal case in the Northern District of Indiana shall be on a district-wide basis, without regard to the courthouse or division in which the case is filed and the assignment shall be made to both United States District Court Judges and United States Magistrate Judges as set forth herein. The Clerk of the Court shall employ a centralized distribution system designed to produce the

random assignment of Social Security Appeal cases in such proportions as to leave each eligible active and senior United States District Judge with an equal share of the total number of Social Security Appeal cases filed in the district, with the exception of Judge William C. Lee, who will receive two (2) shares, and Chief Judge Holly A. Brady and Judge James T. Moody who will not be assigned Social Security Appeal cases. Each United States Magistrate Judge will be assigned a full share of the Social Security Appeal caseload assigned to an active district judge.

2. Assignment of a Magistrate Judge

The magistrate judges of this Court have been added to the random case draw for presiding judge assignment for Social Security Appeal cases.

In a case randomly assigned to a magistrate judge, the magistrate judge is responsible for all case management and scheduling activities and will decide all non-dispositive pretrial and discovery matters. If all parties consent in writing to the magistrate judge's exercise of jurisdiction, the case will remain assigned to the magistrate judge for all purposes, including entry of final judgement. (*See* 28 U.S.C. § 636(c); Fed. R. Civ. P. 73; LR 40-1; LR 72-1.)

In all cases randomly assigned to a magistrate judge, the Clerk of Court will send both a Notice of Availability of a United States Magistrate Judge To Exercise Jurisdiction in a Social Security Appeal Case and a Consent to or Declination of the Exercise of Jurisdiction by a United States Magistrate Judge to each party. Each party will have 14 days from the date that those forms were sent to complete and return the Consent form to the Clerk of Court in the manner outlined in the Consent form.

While consent to the exercise of jurisdiction by the assigned magistrate judge is entirely voluntary, submission of the Consent form, indicating whether the party consents or declines to

consent, is mandatory. If each party consents, the case shall remain assigned to the magistrate judge. If any party declines to consent, the case will be randomly reassigned to a district judge.

In all cases initially assigned to an active or senior district judge, other than Judges William C. Lee and Joseph S. Van Bokkelen, a magistrate judge will also be randomly assigned. In all cases randomly assigned to a district judge, the Clerk of Court will send both a Notice of Availability of a United States Magistrate Judge To Exercise Jurisdiction in a Social Security Appeal Case and a Consent to or Declination of the Exercise of Jurisdiction by a United States Magistrate Judge to each party. Each party will have 14 days from the date those forms were sent to complete and return the Consent form to the Clerk of Court in the manner outlined in the Consent form.

While consent to the exercise of jurisdiction by the randomly assigned magistrate judge is entirely voluntary, submission of the Consent form, indicating whether the party consents or declines to consent, is mandatory. If each party consents, the case will be reassigned to the magistrate judge. If any party declines to consent, the case will remain with the assigned district judge.

To protect the voluntariness of the parties’ decision to consent or decline consent, parties are advised that they are free to withhold consent without adverse substantive consequences, pursuant to 28 U.S.C. § 636(c)(2).

SO ORDERED.

Dated: September 12, 2023

/s/ Holly A. Brady
Holly A. Brady, Chief Judge

/s/ William C. Lee
William C. Lee, Judge

/s/ James T. Moody
James T. Moody, Judge

/s/ Philip P. Simon
Philip P. Simon, Judge

/s/ Theresa L. Springmann
Theresa L. Springmann, Judge

/s/ Joseph S. Van Bokkelen
Joseph S. Van Bokkelen, Judge

/s/ Jon E. DeGuilio
Jon E. DeGuilio, Judge

/s/ Damon R. Leichty
Damon R. Leichty, Judge