

May 5, 2023

**Vicki Kinkade**  
Chief Deputy Clerk

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

IN RE:

CONSENT AND REFERRALS TO )  
MAGISTRATE JUDGES PURSUANT )  
TO 28 UNITED STATES CODE § 636 ) Administrative Order No. 219  
RE: CASES FILED AGAINST THE )  
COMMISSIONER OF )  
SOCIAL SECURITY PURSUANT TO )  
42 UNITED STATES CODE 405(g)

**ORDER REGARDING CONSENT**  
**OF SOCIAL SECURITY APPEALS TO MAGISTRATE JUDGES**

The Commissioner of Social Security (“Commissioner”) through the United States Attorney for the Middle District of Tennessee has submitted to a presumed consent to the jurisdiction of a Magistrate Judge in cases arising under 42 United States Code § 405(g). As detailed below, if the plaintiff timely submits consent, and if the Commissioner does not withdraw consent prior to the time plaintiff files a motion for judgment on the administrative record, the case shall remain assigned to the Magistrate Judge under 28 United States Code § 636 to conduct all proceedings including the issuance of a final judgment. As agreed by the United States Attorney’s Office, this Standing Consent may be revoked on a case-by-case basis.

Accordingly, in all cases in which a plaintiff seeks review, pursuant to 42 United States Code § 405(g), the Clerk shall assign the case to a Magistrate Judge upon filing. The Clerk will file the Notice Regarding Consent of the Parties to Magistrate Judge. The Notice will:

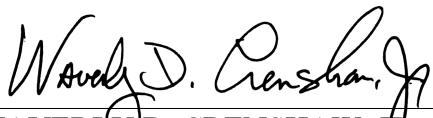
- a. Identify the Magistrate Judge to whom the case is assigned;
- b. Confirm that any withdrawal of consent by the Commissioner must be filed no later than the date the plaintiff files a motion for judgment on the administrative record;
- c. Notify the plaintiff of the right to consent, provide a consent/declination form for the plaintiff to complete with suitable explanation;

- d. Notify plaintiff that if they do not consent the case will remain with the Magistrate Judge for a report and recommendation;
- e. Advise the parties that the name of the party withholding consent will not be revealed to any judge; and
- f. Advise the parties that there will be no adverse substantive or procedural consequences to a declination of Magistrate Judge jurisdiction.

If the Commissioner timely, withdraws consent in a given case, or if the plaintiff timely declines to consent, the Clerk shall randomly assign such case to a District Judge who may assign the case to a Magistrate Judge as needed by the Court for all non-dispositive matters and for the issuance of a report and recommendation.

Furthermore, Special Assistant United States Attorneys acting under the authority of the United States Attorney's office, who are employed by the Social Security Administration, shall be deemed to be attorneys "employed in the office of the United States Attorney" for the Middle District of Tennessee for the purposes of Local Rule 83.01(a)(7) and thus may be admitted to this Court and entered on the roll of the Court without the necessity of application for admission or payment, and without a requirement for local counsel or pro hac vice motion in cases in which they enter an appearance.

IT IS SO ORDERED.

  
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WAVERLY D. CRENSHAW, JR.  
CHIEF UNITED STATES DISTRICT JUDGE