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. 458 (Supersedes and replaces General Order 422)

In accordance with 28 U.S.C. § 636(c)(1), the decision in *Williams v. King*, 875 F.3d 500 (9th Cir. 2017), and the decision in *Washington v. Kijakazi*, 72 F.4th 1029 (9th Cir. 2023), IT IS HEREBY ORDERED that all cases filed by a plaintiff 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 422.

Upon the filing of all such cases, the Clerk of Court will direct a Notice of Assignment to a United States Magistrate Judge and Declination of Consent Form for Social Security Cases to all parties that:

1) Identifies the Magistrate Judge to whom the case is assigned;

2) Notifies the parties and/or the parties' counsel of their right to decline consent to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c);

3) Provides a declination of consent form for the parties to complete, and (a) advises plaintiff that the Clerk of Court must receive the executed form within **21 days** of the date of the notice if plaintiff wants to decline Magistrate Judge jurisdiction, and (b) advises the United States that the Clerk of Court must receive the executed form no later than the date the United States files the administrative record if it wants to decline Magistrate Judge jurisdiction;

4) Advises the parties as to the Court's procedure as set forth below if either party declines to consent to Magistrate Judge jurisdiction; and

5) Advises the parties of the applicability of the Federal Rules of Civil Procedure Supplemental Rules for Social Security Actions Under 42 U.S.C. § 404(g).

IT IS FURTHER ORDERED that if neither party timely emails a Declination of Consent Form for Social Security Cases to the Clerk of Court the case will be deemed assigned to the Magistrate Judge for all purposes without the necessity of an order of referral. If either party emails a Declination of Consent Form for Social Security Cases to the Clerk of Court, the Clerk of Court will randomly reassign the case to a 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 assigned to the case 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 and Notice of Assignment to a United States Magistrate Judge and Declination of Consent Form for Social Security Cases without revision of this General Order.

This General Order was effective January 1, 2025 and will supersede General Order 422.

DATED: January 6, 2025

David C. Nye
Chief United States District Judge

Raymond E. Patricco
Chief United States Magistrate Judge

UNITED STATES DISTRICT COURT
DISTRICT OF IDAHO

Plaintiff, vs. Defendant,	**NOTICE OF ASSIGNMENT TO A UNITED STATES MAGISTRATE JUDGE AND DECLINATION OF CONSENT FORM FOR SOCIAL SECURITY CASES**

In accordance with District of Idaho General Order No. 458, you are notified that the above-entitled action has been randomly assigned to United States Magistrate Judge [Fillable Name] to conduct all proceedings in this case.

You have the right to have a United States District Judge hear your case. Exercise of jurisdiction by a United States Magistrate Judge is permitted only if all parties consent to Magistrate Judge jurisdiction. Consenting to Magistrate Judge jurisdiction means that you waive the right to have a United States District Judge hear your case, and that a United States Magistrate Judge will take the place of a United States District Judge in all respects. No United States District Judge will supervise or review the work of the Magistrate Judge.

Consent to a Magistrate Judge is voluntary. You will be deemed to have knowingly and voluntarily consented to proceed before the assigned Magistrate Judge UNLESS you email a declination of consent form to the Clerk of Court, a copy of which is part of this notice. All parties are requested to return the form to the Clerk of Court within 21 days of the date this notice was filed if they wish to decline Magistrate Judge jurisdiction. Thus, the declination of consent form is due on or before [Insert date here]. No judge will be informed of a party's response to this notification, and all declination of consent forms will be kept under seal. The form may be returned to the Clerk of the Court by e-mailing the same in .pdf format to the following address: consents@id.uscourts.gov. Alternatively, you may mail this form to the following address: U.S. District Court, 550 W. Fort St. Room 400, Boise, ID 83724

An appeal from a judgment entered by a United States Magistrate Judge will be directed to the United States Court of Appeals for the Ninth Circuit in the same manner as an appeal from any other judgment of this District Court. 28 U.S.C. § 636(c); Fed.R.Civ.P. 73.

DECLINATION OF CONSENT TO THE EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE

Declination: In accordance with the provisions of 28 U.S.C. § 636(c), Fed. R. Civ. P. 73, and District of Idaho General Order No. 458, the undersigned party to this case **declines** to have a United States Magistrate Judge conduct all proceedings in this case, and requests the case be reassigned to a United States District Judge. If a party declines to consent, this matter will be referred to the same Magistrate Judge for review and preparation of a Report and Recommendation to the assigned District Judge.

Party Represented	Signature of Party or Attorney	Date
_____	_____	_____

THE CONSENT PROCESS: WHAT IS IT?

In accordance with 28 U.S.C. § 636(c), FRCP 73, and Local Rule 73.1, a Magistrate Judge is available to preside over all aspects of this case, including the jurisdictional authority to:

− Schedule, hear, and decide all dispositive and non−dispositive matters;
− Schedule, hear, and decide all interlocutory matters;
− Enter final orders and judgment; and
− Decide all post−trial motions.

Appeals from any final order or judgment entered by a Magistrate Judge are directed to the United States Court of Appeals for the Ninth Circuit. See 28 U.S.C. § 636(c)(3); Fed. R. Civ. P. 73(c). However, a Magistrate Judge's exercise of this jurisdiction is permitted only if all parties voluntarily consent.

How Does It Benefit Me?

Speedy trial rights in felony criminal cases require the District Judges in the District to give priority to trying those cases, sometimes requiring that civil trial dates be moved. Magistrate Judges do not preside over felony criminal trials. As a result, a Magistrate Judge's trial docket is generally less crowded than those of the District Judges.

Magistrate Judges usually are able to provide earlier and firmer dates for both hearings and trials than might otherwise be possible by a District Judge. Because this District is very busy and the criminal docket is growing rapidly, consenting to proceed before a Magistrate Judge often means your civil case will be resolved more quickly than if before a District Judge.

Additionally, even if parties do not consent, the District Judge to whom the matter is assigned may nonetheless refer all pre−trial proceedings to a Magistrate Judge pursuant to 28 U.S.C. § 636(b), FRCP 73, and Local Rule 72.1. For any dispositive matters referred in this way, the Magistrate Judge will enter a Report and Recommendation for the District Judge's consideration. At that point, the review process by a District Judge generally takes 60 days. Thus, by consenting to Magistrate Judge jurisdiction at the outset, the parties also can avoid the delays and expense of this review process, while still preserving their appeal rights.

How Do I Consent?

After the case is filed, the Clerk of the Court will send the appropriate notice and declination of consent form as provided by the General Order. When your case is initially assigned to a Magistrate Judge in a Social Security case, the plaintiff is deemed to have consented to the jurisdiction of a Magistrate Judge if the plaintiff does not email the declination of consent form to the Clerk of Court within 21 days of receipt of this Notice, and the United States is deemed to have consented to the jurisdiction of a Magistrate Judge if it does not email the declination of consent form to the Clerk of Court by the time it files the administrative record. The declination of consent form affords each party an initial opportunity to decline consent to having a Magistrate Judge assume complete jurisdiction over the case, including trial and entry of judgment. Each party should make a decision whether to consent to or decline Magistrate Judge jurisdiction as soon as possible.

You may, without adverse substantive consequences, decline your consent, which would preclude Magistrate Judge jurisdiction. If any party declines consent, the identity of the parties consenting and/or declining consent will not be communicated to any judge.

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1. This insert is for information purposes only and is not intended to supersede the applicable rules, including General Order No. 458, addressing the consent process in all cases in which a plaintiff seeks review of a decision by the Commissioner of Social Security pursuant to 42 U.S.C. § 405(g).