

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

IN RE: ALL 42 U.S.C. § 405(g) SOCIAL )        **STANDING ORDER**  
SECURITY DISABILITY APPEALS        )  
ASSIGNED TO JUDGE DONALD C.        )  
COGGINS JR.                                )

In accordance with the policy of the Judicial Conference of the United States, the Administrative Office of the United States Courts (AOUSC) recently completed a Survey of Magistrate Judge Positions in the District of South Carolina. The report is a district-wide review of the court's magistrate judge positions.

By local rule, all social security appeals are automatically referred to United States Magistrate Judges on a district-wide rotation for reports and recommendations or final disposition by consent of the parties. According to the report, for the period of 2015–2019, social security appeals in this district increased by 37 percent, and felony criminal cases increased by over 16 percent. Criminal cases take priority over civil cases due in part to the Speedy Trial Act. Accordingly, consideration of social security appeals is sometimes delayed.

The Federal Magistrates Act of 1968 established the Magistrate Judges system as a supplemental judicial resource to assist the district courts and provide better service to litigants. The AOUSC report notes that in 2019, of the 350 social security appeals decided in the District of South Carolina, only 27 (7.7 percent) were disposed of by United States Magistrate Judges with the parties' consent. According to the report:

Many districts around the country have had great success in encouraging consent to magistrate judges in social security appeal cases. Maximizing dispositions on consent rather than through reports and recommendations could be part of the court's strategy, to the extent it is feasible, for maintaining the just, speedy, and inexpensive determination of these cases,

as well as realizing the benefits of consent outlined below. Consent to disposition by the magistrate judge can bring about a quicker resolution of the appeal than the report and recommendation process.

Therefore, the court may wish to remind the government and members of the social security bar of the consent option, and its time savings for litigants, by appropriate means (e.g., form letters to parties, status conferences, speaking engagements before the bar).

The completion of the AOUSC report is prescient considering recent events which have placed additional strains on district court resources.

Pursuant to 28 U.S.C. § 631, United States Magistrate Judges are appointed by the District Court. Such appointments are made after a rigorous application and screening process. Pursuant to 28 U.S.C. § 636(c) and Federal Rule of Civil Procedure 73, a United States Magistrate Judge may, upon consent of the parties, conduct any or all proceedings in a jury or nonjury civil matter and enter a final order in the case.

While parties have the right to adjudication of such matters by a District Judge and may absolutely withhold consent without adverse substantive consequences, based on the foregoing, consideration should be given to the referral of social security appeals to a United States Magistrate Judge for final disposition. The U.S. Attorney for the District of South Carolina has entered a Standing Consent Agreement for such referrals. See 3:04-mc-5005.

Accordingly, counsel for the Plaintiff is directed to consult with the Plaintiff concerning the foregoing and to file a status report within 30 days informing the court as to whether Plaintiff consents to disposition by a United States Magistrate Judge. If Plaintiff consents, AO Form 85, found at <https://www.uscourts.gov/forms/civil-forms/notice->

consent-and-reference-civil-action-magistrate-judge and following this Order, may be filed in lieu of the status report

**IT IS SO ORDERED.**

s/ Donald C. Coggins, Jr.  
United States District Judge

May 21, 2021  
Spartanburg, South Carolina

# UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

_____	)	
<i>Plaintiff</i>	)	
v.	)	Civil Action No.
_____	)	
<i>Defendant</i>	)	

## NOTICE, CONSENT, AND REFERENCE OF A CIVIL ACTION TO A MAGISTRATE JUDGE

*Notice of a magistrate judge's availability.* A United States magistrate judge of this court is available to conduct all proceedings in this civil action (including a jury or nonjury trial) and to order the entry of a final judgment. The judgment may then be appealed directly to the United States court of appeals like any other judgment of this court. A magistrate judge may exercise this authority only if all parties voluntarily consent.

You may consent to have your case referred to a magistrate judge, or you may withhold your consent without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with your case.

*Consent to a magistrate judge's authority.* The following parties consent to have a United States magistrate judge conduct all proceedings in this case including trial, the entry of final judgment, and all post-trial proceedings.

<i>Printed names of parties and attorneys</i>	<i>Signatures of parties or attorneys</i>	<i>Dates</i>
_____	_____	_____
_____	_____	_____
_____	_____	_____

### Reference Order

**IT IS ORDERED:** This case is referred to a United States magistrate judge to conduct all proceedings and order the entry of a final judgment in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73.

Date: \_\_\_\_\_

\_\_\_\_\_

*District Judge's signature*

\_\_\_\_\_

*Printed name and title*

Note: Return this form to the clerk of court only if you are consenting to the exercise of jurisdiction by a United States magistrate judge. Do not return this form to a judge.