

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

IN RE: STANDING ORDER ON
 SOCIAL SECURITY CASES
 BROUGHT PURSUANT TO
 42 U.S.C. §405(g)

Miscellaneous No: 1:22-MC-41

ORDER

Effective December 1, 2022, this Order shall apply to civil actions under 42 U.S.C. §405(g) of the Social Security Act for review on the record of a final decision of the Commissioner of Social Security (hereinafter "Defendant") that presents only an individual claim.¹

This Order shall remain in effect until the Local Rules of Civil Procedure for the United States District Court for the Northern District are revised to reflect relevant amendments to the Federal Rules of Civil Procedure.

Commencing an Action - To commence an action under 42 U.S.C. §405(g) to review a final administrative decision of Defendant, Plaintiff shall file a complaint with the Court. The Court's Case

¹ This Order shall not apply to any other action, for example (1) actions that include claims against the Commissioner of Social Security in addition to, or other than, those brought pursuant to 42 U.S.C. §405(g); (2) actions that include multiple plaintiffs or a class action; or (3) actions that include defendants other than the Commissioner of Social Security.

Management and Electronic Case File ("CM/ECF") system will generate a notice of suit to the Social Security Administration's Office of the General Counsel and the Chief of the Civil Division of the United States Attorney's Office for the Northern District of West Virginia.

Service of Complaint - Plaintiffs need not serve a summons and complaint on the Defendant under Fed. R. Civ. P. 4 in cases seeking review pursuant to 42 U.S.C. §405(g) of a decision by the Commissioner of Social Security.

Appearance of Counsel and Transcript of Agency Proceedings - In all such cases, the Chief of the Civil Division of the United States Attorney's Office for the Northern District of West Virginia shall be designated as the counsel of record for the Defendant.

The Clerk of Court shall enter counsel's appearance on behalf of the Defendant, and the Defendant shall be required to file a certified copy of the transcript of the record of the agency proceedings **within sixty (60) days** of the entry of appearance. The Defendant shall serve a copy of the same on Plaintiff.

The United States Attorney's Office shall provide a paper copy of the transcript to the appropriate magistrate judge who shall provide it to the presiding district judge upon request.

Notice to Plaintiff - If the complaint was not filed electronically, the Clerk of Court must notify Plaintiff in writing of the transmission of the complaint to the Social Security

Administration's Office of the General Counsel and the Chief of the Civil Division of the United States Attorney's Office.

The Court suspends application of Local Rules of Civil Procedure 9.01 and 9.02 only as to the commencement of an action, service of complaint, appearance of counsel, and filing the transcript of proceedings for actions filed pursuant to 42 U.S.C. §405(g) as covered by this Order. The deadlines and requirements set forth at Local Rule of Civil Procedure 9.02(c), (d), (e), (f), (g), and (h) remain in effect unless altered by the designated United States Magistrate Judge.

The Court **DIRECTS** the Clerk to transmit copies of this Order to the United States Attorney, the Chief of the Civil Division of the United States Attorney's Office, and the Social Security Administration's Office of the General Counsel.

DATED: November 7, 2022



Honorable Thomas S. Kleeh
Chief Judge
United States District Court