



**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE**

Howard H. Baker Jr. United States Courthouse
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Knoxville, Tennessee 37902
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LEANNA R. WILSON
Clerk of the Court

CHRIS FIELD
Chief Deputy Clerk

NOTICE

Pursuant to 28 U.S.C. § 2071(b), the Clerk of the Court hereby gives notice of and an opportunity for comment regarding the Court's proposal to amend the Eastern District of Tennessee Local Rule LR 9.1 (Social Security Cases). Additions are underlined and deletions are struck through.

~~(a) — **Providing Social Security Number to Commissioner of Social Security.** Any person seeking judicial review of a decision of the Commissioner of Social Security under Section 405(g) of the Social Security Act [42 U.S.C. § 405(g)] shall provide, on a separate paper attached to the complaint served on the Commissioner of Social Security, the social security number of the worker on whose wage record the application for benefits was filed. The person shall also state in the complaint that the social security number has been attached to the copy of the complaint served on the Commissioner of Social Security. Failure to provide a social security number to the Commissioner of Social Security will not be grounds for dismissal of the complaint.~~

~~(b) — **Time Limit for Response by Commissioner of Social Security Under Title II and XVI of Social Security Act.** In all cases filed against the Social Security Administration for benefits under the provisions of Titles II and XVI of the Social Security Act, as amended, 42 U.S.C. § 401, *et seq.*, the United States shall file its answer or other response within 60 days.~~

~~(c) — **Extensions for Plaintiff and Defendant.** Requests for additional time to complete any action required or allowed under this rule or the Federal Rules of Civil Procedure will be granted only upon motion with an attached affidavit or declaration prepared by the party, the party's appropriate representative, or the party's attorney of record. The affidavit or declaration shall set forth the reasons why an extension is deemed necessary. This subsection does not preclude the parties from submitting, for the Court's consideration, a proposed agreed order for extension.~~

(~~ad~~) Cases Remanded to the Commissioner of Social Security Pursuant to “Sentence Six” of 42 U.S.C. § 405(g). Whenever a social security case has been remanded by the Court to the Commissioner pursuant to the sixth sentence of 42 U.S.C. § 405(g), the United States Attorney shall file a report informing the Court of the agency action taken on remand and the final agency decision that resulted therefrom. If the agency decision is fully favorable to the plaintiff, the Court shall then reopen the case and enter a final judgment for the plaintiff. If issues in the controversy remain, the Commissioner shall file a supplemental transcript, the case shall be reopened for further proceedings on the merits, and a new briefing schedule issued by the Clerk.

(~~be~~) Social Security Cases Transferred From Other Districts. When a social security case is transferred from another district to the Eastern District of Tennessee, the Clerk’s Office shall send notice to plaintiff’s counsel, ~~and~~ the United States Attorney, and the appropriate office within the Social Security Administration’s Office of General Counsel that the case has been entered on the docket, ~~and that the Commissioner has 60 days from the date of the notice within which to file an answer or response to plaintiff’s complaint. If an answer has already been filed in the case, an appropriate briefing schedule will be established and set forth in the notice.~~

Comments should be directed in writing to Leanna R. Wilson, Clerk of Court, by November 30, 2022, at the above address.

Comments:

The Supreme Court of the United States has adopted Supplemental Rules for Social Security Actions under 42 U.S.C. § 405(g) to become effective December 1, 2022. Accordingly, the Court proposes these changes to ensure the Court’s local rule conforms with the Supplemental Rules for Social Security Actions.