

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
14-JP-3-RN

FILED

DEC 10 2014

JULIE A. RICHARDS, CLERK  
US DISTRICT COURT, EDNC  
BY  DEP CLK

IN RE: )  
)  
FILING OF TEXT SEARCHABLE )  
TRANSCRIPTS IN SOCIAL SECURITY )  
APPEALS )

**JUDICIAL PREFERENCE ORDER**

The undersigned finds that judicial economy and efficiency would be substantially enhanced in Social Security appeals before him by having available in the court's docket a text searchable<sup>1</sup> copy of the transcript of administrative proceedings ("transcript"). Ideally, the certified copy of the transcript would be text searchable. In the event it is not, the procedures below ensure the availability of a text searchable transcript by requiring the Commissioner of Social Security ("Commissioner")<sup>2</sup> to file a separate, text searchable copy.

IT IS THEREFORE ORDERED as follows:

1. The Commissioner shall file a text searchable copy of the transcript in every Social Security appeal, pursuant to 42 U.S.C. § 405(g) or § 1383(c)(3), that is reassigned to the undersigned for entry of judgment with the consent of the parties pursuant to 28 U.S.C. § 636(c) or in which a motion for judgment on the pleadings or any other potentially dispositive motion is referred to the undersigned by the presiding district judge for a memorandum and recommendation pursuant to 28 U.S.C. § 636(b)(1)(B) in which the certified copy of the transcript filed or to be filed is not text searchable. To the extent practicable, the Commissioner shall file the text searchable copy of the transcript in a single docket entry. The Commissioner may file the text searchable copy of the transcript under seal as well as ex parte without further

<sup>1</sup>For the purposes of this order, the term "text searchable" does not apply to portions of documents that are handwritten and are unable to be converted to searchable text via an optical character recognition (*i.e.*, "OCR") program.

<sup>2</sup>This term includes any Acting Commissioner.

order of the court, provided that if the text searchable copy of the transcript is filed ex parte the Commissioner shall contemporaneously with such filing serve written notice thereof on the plaintiff.

2. In appeals that are reassigned to the undersigned with the consent of the parties pursuant to 28 U.S.C. § 636(c), the Commissioner shall file the text searchable copy of the transcript by the following applicable date:

a. If the certified copy of the transcript has not yet been filed when the order reassigning the case to the undersigned is entered, the Commissioner shall file the text searchable copy of the transcript contemporaneously with the filing of the certified copy of the transcript.

b. If the certified copy of the transcript has already been filed when the order reassigning the appeal to the undersigned is entered, the Commissioner shall file the text searchable copy of the transcript within 14 days after entry of the order of reassignment.

3. In appeals in which a potentially dispositive motion is referred to the undersigned by the presiding district judge pursuant to 28 U.S.C. § 636(b)(1)(B), the Commissioner shall file the text searchable copy of the transcript within 14 days after entry of the order or clerk's docket entry providing for the referral.

4. In appeals pending before the undersigned (*i.e.*, before him for decision under 28 U.S.C. § 636(c) or a memorandum and recommendation under 28 U.S.C. § 636(b)(1)(B)) on the date of this Order, the Commissioner shall file the text searchable copy of the transcript within 14 days after the date of this Order or the deadline otherwise provided herein, whichever is later.

5. This Order applies to all Social Security appeals pending before the undersigned as of the date of this Order.

6. This Order applies to Social Security appeals whether they are from denial of an application for a period of disability and disability benefits under Title II of the Social Security Act or an application for Supplemental Security Income under Title XVI of the Act.

7. The Clerk shall serve this Order or notice thereof on each party in a Social Security appeal pending before the undersigned as follows:

a. In appeals pending before the undersigned on the date of this Order, the Clerk shall serve this Order on the date thereof.

b. In appeals that are reassigned or referred to the undersigned after entry of this Order, the Clerk shall serve notice of this Order on the date of entry of the order reassigning the appeal to the undersigned pursuant to 28 U.S.C. § 636(c) or the date of entry of the order or docket entry providing for referral of a potentially dispositive motion to the undersigned pursuant to 28 U.S.C. § 636(b)(1)(B), whichever is applicable.

SO ORDERED, this 10th day of December 2014.

s/ Robert T. Numbers, II  
Robert T. Numbers, II  
United States Magistrate Judge