



**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

IN RE:

SOCIAL SECURITY MATTERS UNDER  
42 U.S.C. § 405(g) DURING THE COVID-19  
PUBLIC EMERGENCY

GENERAL ORDER NO. 615

The United States has moved *ex parte* for a temporary order staying civil matters involving the Commissioner of Social Security as a party under 42 U.S.C. § 405(g) due to the COVID-19 public health emergency. For good cause shown, the Chief Judge issues this Order:

1. All cases proceeding under Sections 205(g) and (h) of the Social Security Act, 42 U.S.C. § 405(g) and (h) (herein referred to as 42 U.S.C. § 405(g)), require the Commissioner of Social Security (Commissioner) to prepare and file a certified copy of the administrative record (CAR), “including the evidence upon which the findings and decision complained of are based.” 42 U.S.C. § 405(g).

2. The Commissioner's Office of Appellate Hearings Operations (OAO) prepares the certified administrative records for all courts in the country. OAO personnel are located at one site, in Falls Church, Virginia.

3. Due to the COVID-19 public health emergency, OAO staff are not authorized to report for duty on site and the Commissioner is unable to prepare the CAR for any current or future cases while the public health emergency continues.

4. The United States seeks a stay of all Social Security cases brought under 42 U.S.C. § 405(g) until such time as the Commissioner can resume preparation of CARs.

5. Based upon the number of cases already impacted, and the ongoing nature of the emergency, requesting individual extensions of time or stays in all cases is impractical, particularly at a time when counsel for the Social Security Administration and the United States Attorney's Office are also impacted by the COVID-19 public health emergency.

6. To preserve the status quo until such time as the Commissioner may begin normal operations at OAO and may resume preparation of CARs, all civil cases filed on or after February 1, 2020, brought against the Commissioner under 42 U.S.C. § 405(g), except those cases in which a CAR has already been filed, are hereby stayed, unless otherwise ordered by the assigned district judge or magistrate judge.

7. This Order does not alter, vacate, or stay any obligation of individuals to pay amounts previously lawfully determined to be owed to the United States or to an agency or office of the United States, including the Social Security Administration.

8. This Order does not prohibit, in any manner, the ability of parties to file claims or commence actions against the Commissioner under 42 U.S.C. § 405(g). However, all cases or matters commenced on or after February 1, 2020, except those in which a CAR has already been filed, will be immediately stayed.

9. Once OAO can resume operations, there will be a backlog of work that will continue to impact the Commissioner's ability to prepare CARs. Therefore, at such time as the Commissioner resumes preparation of CARs, the stay described in this Order will be lifted on an individual case-by-case basis, as CARs become available.

10. The stay described in this Order will be lifted on a rolling basis automatically in an individual case when either: i) the Commissioner files a proof of service showing that the CAR has been served on Plaintiff; or ii) the Commissioner files the CAR. Thereafter, case deadlines will proceed according to the applicable case management orders and local rules. No motion or other notification will be required to lift the stay in any individual case.

11. The stay described in this Order may be lifted in any particular case by the presiding judge or magistrate judge upon a showing of good cause, including where the claimant lacks the income and resources necessary to meet minimum subsistence for food or shelter.

IT IS SO ORDERED.

DATED: April 14, 2020

FOR THE COURT:



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KIMBERLY J. MUELLER  
CHIEF UNITED STATES DISTRICT JUDGE  
EASTERN DISTRICT OF CALIFORNIA