

9.1 Pleading Special Matters.

(a) Social Security Cases.

(1) **Social Security Number Required.** A person seeking judicial review of a decision of the Commissioner of Social Security under Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g) must provide, on a separate document attached to the copy of the complaint served on the Commissioner, the social security number of the worker on whose wage record the application for benefits was filed. The complaint must also state that the social security number has been attached to the copy of the complaint served on the Commissioner. Failure to provide a social security number to the Commissioner may result in sanctions that do not include dismissal of the complaint.

(2) **Electronic Filing.** Absent a showing of good cause, all documents in social security cases filed in this court must be filed and noticed electronically according to local rule, except as noted below.

(A) **Transcript or Administrative Records.** Social security transcripts or administrative records may be nonelectronically filed and served. If a transcript or administrative record is filed nonelectronically, the clerk docket a text-only event stating that the transcript or administrative record is available to parties and counsel of record in paper format from the clerk.

(b) **Claim of Unconstitutionality.** A party who pleads the unconstitutionality of an act of Congress or a state statute in any action in which the United States, the state, or a federal or state agency, officer or employee is not a party must notify the court of the question either by (1) checking the appropriate box on the civil cover sheet or (2) stating in the caption of the pleading that alleges unconstitutionality: "Claim of Unconstitutionality." A party raising a claim of unconstitutionality after the complaint must file a document entitled "Notice of Claim of Unconstitutionality."

(c) **Request for 3-Judge Court.** If a party believes a 3-judge district court is required to hear an action or proceeding under 28 U.S.C. § 2284 or any other federal law, the party must include the words "3-Judge District Court Requested" or the equivalent immediately after the title of the first pleading in which the cause of action requiring a 3-judge court is pleaded. Unless the basis for the request is apparent from the pleading, it must be stated in the pleading or in a brief attached statement.

- (d) **Privacy Issues.** Documents containing personal identifying information must conform to the E-Government Act. See *a/so* NECivR 5.0.3(a); NEGenR 1.3(c). Parties, attorneys, and court personnel should be vigilant in protecting sensitive personal information found in documents including mental competency evaluations, substance abuse evaluations, and medical reports.