

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

**AUTHORITY OF CLERK TO GRANT)
CERTAIN MOTIONS AND JUDGMENTS) STANDING ORDER NO. 40
WITHOUT FURTHER DIRECTION OF)
THE COURT)**

For reasons of judicial economy and the promotion of fair and efficient justice, the Court adopts the following Standing Order pursuant to Federal Rule of Civil Procedure 77 and Local Rule 77.2.

(a) **Orders and Judgments.** The Clerk of Court, or his or her authorized deputy—in addition to the authority granted by statute, the Federal Rules of Civil Procedure, or the Local Rules—is authorized to grant the following orders and judgments without further direction by the Court. For purposes of this rule, a party is deemed to consent if, after consultation, it affirmatively indicates that it does not object to the relief or it fails to object or respond within the time allowed.

(1) Upon a showing of good cause, orders in civil actions extending for not more than 30 days (plus an additional 30 days upon further showing of good cause) the time within which to answer or otherwise plead, either by consent or where a party is proceeding *pro se* or *in forma pauperis*. When granting such a motion for extension of time to answer or otherwise plead, other than where a party is proceeding *pro se* or *in forma pauperis*, the Clerk is directed to require the parties to meet-and-confer, prior to the filing of a motion to dismiss, to determine whether there are issues that could be resolved or narrowed by the filing of an

amended complaint; the moving party shall file a statement of compliance with this requirement with any motion to dismiss.

(2) Upon a showing of good cause, consent orders in social security administrative review cases extending for not more than 30 days (plus an additional 30 days upon further showing of good cause) the time within which to file briefs and for extending for not more than 14 days (plus an additional 14 days upon further showing of good cause) the time to file reply briefs.

(3) Consent orders for garnishment or to quash a garnishment.

(4) Consent orders for the award of fees under the Equal Access to Justice Act, 28 U.S.C. § 2412(d), in Social Security cases.

(5) Consent orders for the substitution of counsel, where new counsel has entered an appearance.

(6) Consent orders for the withdrawal of counsel, unless granting the order would result in a party being *pro se* or without local counsel.

(7) Upon a showing of necessity, consent orders expanding the page limit on briefs by no more than 1,250 words.


(8) Consent orders setting aside default.

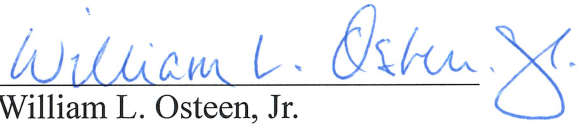
(9) Upon a showing of good cause, orders granting an extension of time, either by consent or where a party is proceeding *pro se* or *in forma pauperis*, of not more than 30 days for response briefing or 14 days for reply briefing on a motion to dismiss if a scheduling order has not yet been entered.

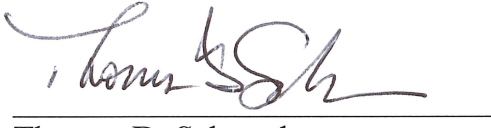
- (10) Consent orders for extension of time to file stipulation of dismissal.
- (11) Orders requiring completion of Local Rule 7.7 corporate disclosures.
- (12) Upon a showing of good cause, orders granting an extension of time of not more than 30 days for the response to a petition under 28 U.S.C. § 2254 or motion under 28 U.S.C. § 2255, except in death penalty cases under either section.

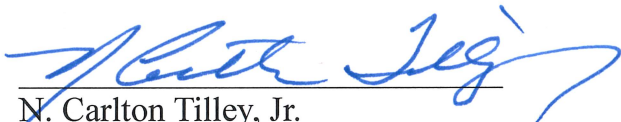
(b) **Clerk's Action Reviewable.** The actions of the Clerk may be suspended, altered, or rescinded by the Court upon review at any time.

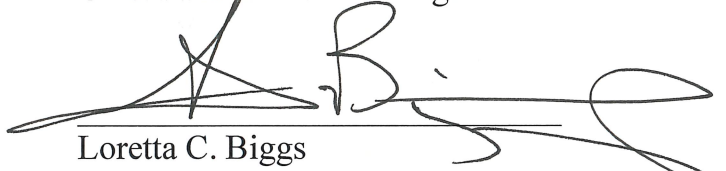
This Order takes effect immediately. This the 15th day of April, 2025.


Catherine C. Eagles
Chief United States District Judge


William L. Osteen, Jr.
United States District Judge


Thomas D. Schroeder
United States District Judge


N. Carlton Tilley, Jr.
Senior United States District Judge


Loretta C. Biggs
Senior United States District Judge