UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

FILED IN THE
UNITED STATES DISTICT COURT
Western District of Washington

FEB 12 1974

EDGAR SCOFIELD, Clerk
By....., Deputy

In the Matter of the Local Rules for the Western District of Washington	)))))	ORDER

The local rules for the Western District of Washington are hereby amended by adoption of Magistrates' Rules numbered 1, 21, 22, 23, 24, 25, 26, 27, 28 and 29, and by amendment of Magistrates' Rule 20, as follows:

MR 1

SCOPE

Each of the U.S. Magistrates in this district shall have jurisdiction to try persons accused of, and sentence persons convicted of, minor offenses, as defined in 18 U.S.C. Section 3401(f). The practice and procedure for the trial of such cases before the magistrate, and for the taking and hearing of appeals before the district court, shall conform to the provisions of 18 U.S.C. Sections 3401 and 3402, of the "Rules of Procedure for the Trial of Minor Offenses Before United States Magistrates", and of any other rules promulgated by the Supreme Court pursuant to 18 U.S.C. Section 3402.

MR 20

COMMITMENT UNDER TITLE III,
NARCOTIC ADDICT REHABILITATION ACT

Every petition for commitment of a person as a narcotic addict under Title III of the Narcotic Addict Rehabilitation Act, 42 U.S.C. Sections 3411-3426, shall be referred by the clerk to a full-time magistrate in this district, unless no such magistrate is readily available. The full-time magistrate may conduct all necessary proceedings in connection with such petitions, and shall record the proceedings.

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MR 21

SPECIAL MASTER IN CIVIL ACTIONS

Any full-time magistrate in this district may serve as a special master in an appropriate civil action upon the entry of an order of reference by a district judge in this district. The proceedings before the magistrate, the filing of his report, and the review of such report by the court shall be in accordance with the applicable provisions of Title 28 U.S.C. and of the Federal Rules of Civil Procedure for the United States District Courts; and shall also comply with any and all terms, conditions, directions and limitations set forth in the order of reference. The magistrate shall receive no additional compensation by reason of such service as special master.

MR 22

DISCOVERY PROCEEDINGS IN CIVIL CASES

The full-time magistrates in this district shall assist the district judges, when and as requested, in the conduct of discovery proceedings in civil cases, including but not limited to:

(a) Ruling upon all motions relating to discovery under Rules 26 through 37 inclusive of the Federal Rules of Civil Procedure;

and

(b) Supervising and coordinating the conduct of discovery in complicated cases.

MR 23

OTHER PRETRIAL PROCEEDINGS IN CIVIL CASES

The full-time magistrates in this district shall assist the district judges, when and as requested, in the conduct of other pretrial proceedings in civil cases. Such additional duties shall include, but are not limited to, the following:

(a) Conduct of pretrial conferences and related hearings;

(b) Preparation of pretrial orders;

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(c) Ruling upon motions relating to parties, including motions to add or substitute parties, to intervene, to file third-party complaints, to proceed as a class action, or to participate as an amicus curiae;

(d) Ruling upon motions relating to the amendment of pleadings;

(e) Ruling upon motions to extend time for pleading;

(f) Ruling upon motions for substitution of counsel;

(g) Ruling upon motions relating to security for costs;

(h) Ruling upon motions to sever or consolidate;

(i) Ruling upon motions to set aside default judgments;

(j) Ruling upon objections to taxing of costs;

(k) Ruling upon applications to proceed in forma pauperis.

MR 24

PRETRIAL DUTIES IN CRIMINAL CASES

The full-time magistrates in this district shall assist the district judges, when and as requested, in the conduct of pretrial proceedings in criminal cases, including but not limited to:

(a) Conducting pretrial conferences and related proceedings (see Local Criminal Rule 17.1 and 37 F.R.D. 97);

(b) Conducting bail review hearings;

(c) Ruling upon motions relating to discovery;

(d) Ruling upon motions relating to subpoenae;

(e) Ruling upon motions relating to mental or other examinations;

(f) Ruling upon motions relating to the appointment of an interpreter or expert witness;

(g) Ruling upon motions for a bill of particulars;

(h) Ruling upon motions for release or substitution of counsel;

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(i) Ruling upon motions relating to the availablilty of defendant for identification or handwriting exemplars;

(j) Ruling upon motions for the return or release of exhibits, or for forfeiture or distruction after trial of exhibits containing contraband; and

(k) Ruling upon motions by the United States Attorney for dismissal of any indictment, information or complaint.

MR 25

APPLICATIONS FOR POST-TRIAL RELIEF

The full-time magistrates in this district shall, upon request by a district judge, make a preliminary review of applications for post-trial relief made by individuals convicted of criminal offenses, and shall submit a report and recommendations to facilitate the decision of the district judge having jurisdiction over the case as to whether there should be a hearing. The magistrate may also, when requested by a district judge, and after making whatever inquiry he deems necessary, rule upon a motion to file such an application in forma pauperis, and appoint counsel for the applicant in appropriate cases. Applications coming within the scope of this rule include, but are not limited to:

(a) Applications by federal prisoners under 28 U.S.C. Section 2255;

(b) Applications by federal prisoners to review United States Parole Board decisions;

(c) Applications by federal or state prisoners for writs of habeas corpus or mandamus; and

(d) Complaints by federal or state prisoners for relief under the Civil Rights Act. (Title 42, United States Code).

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MR 26

REVIEW OF ADMINISTRATIVE DETERMINATIONS

The full-time magistrates in this district shall, upon reference by a district judge, review and submit a report and recommendations in cases involving the review of an administrative record and determination, including but not limited to the following:

(1) Actions to review administrative determinations under the Social Security Act and related statutes;

(2) Actions to review the administrative award of licenses and similar privileges;

(3) Federal Civil Service cases involving such matters as adverse actions, retirement questions, and reductions in force;

(4) Immigration matters involving denial of preference classification status (8 U.S.C. Sections 1153 and1154; and

(5) Actions to set aside orders entered by deputy commissioners under the Longshoremen's and Harbor Workers Compensation Act, 33 U.S.C. Section 901, et seq.

MR 27

ADMINISTRATION OF CRIMINAL JUSTICE ACT PLAN

The magistrates in this district, when and as requested, shall assist the district judges in the administration of the Criminal Justice Act plan for the district. The magistrates shall have concurrent authority with the district judges to:

(a) Supervise the panel of attorneys;

(b) Determine the eligibility of a defendant to have counsel appointed;

(c) Appoint counsel; and

(d) Examine and act upon vouchers submitted by appointed counsel.

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MR 28

OTHER POWERS AND DUTIES

All magistrates in this district shall have the following additional powers and duties:

(a) All powers and duties specified in 28 U.S.C. Section 636(a);

(b) The authority to order a presentence investigation and report in any matter pending before the magistrate;

(c) The power and duty to issue criminal summonses or bench warrants after the failure to appear of any defendant or witness;

(d) Authority to conduct extradition proceedings (18 U.S.C. Section 3184);

(e) All other powers and duties assigned to them from time to time by the judges of this district; and

(f) All other powers reasonably necessary for the accomplishment of their duties, as set forth in these local rules or by statute or rule.

MR 29

REVIEW BY DISTRICT COURT

Rulings, orders or other actions by a magistrate in this district, pursuant to local Magistrates Rules 20 and 22 through 28, inclusive, shall be subject to review by the district court as follows:

Any party may file and serve, not later than ten days thereafter, an application for a review of the magistrate's action by the district judge having jurisdiction. Copies of any such application shall be served promptly upon the other parties, the district judge, and the magistrate.

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After conducting whatever further proceedings as he deems appropriate, the district judge may adopt or reject, in whole or in part, the action taken by the magistrate, or take such other action as he deems appropriate.

These rules shall be effective January 1, 1974.

William N. Goodwin, Chief Judge,
United States District Court

Walter T. McGovern, Judge
United States District Court

Morell E. Sharp, Judge
United States District Court

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