FILED IN THE
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

FEB 16 1979

JOE R. ROMANE, Clerk
By ..... Deputy

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In the Matter of the Amendment of the Local Rules for the Western District of Washington	GENERAL ORDER

Magistrate's Rule MR 4 of the Local rules for the Western District of Washington is hereby amended to read as follows:

MR 4

DISPOSITIVE PRETRIAL AND OTHER MATTERS

(a) In accordance with 28 U.S.C. § 636(b)(1)(B) and (C), the full-time magistrates in this district may, upon reference by a district judge, hear, conduct such evidentiary hearings as are deemed necessary or appropriate by the magistrate, and submit to the referring district judge proposed findings of fact and/or a report and recommendation for the disposition of:

(1) Applications for post-trial relief made by individuals convicted of criminal offenses;

(2) Prisoner petitions challenging conditions of confinement;

(3) Motions for injunctive relief (including temporary restraining orders and preliminary injunctions), for

judgment on the pleadings, for summary judgment, to dismiss or quash an indictment or information made by a defendant, to suppress evidence in a criminal case, to dismiss or permit the maintenance of a class action, to dismiss for failure to state a claim upon which relief may be granted, to involuntarily dismiss an action, and for review of default judgments;

(4) Petitions or applications for judicial review of administrative determinations;

(5) Hearings to determine mental competency pursuant to 18 U.S.C. § 4244, in cases to be tried by a district judge;

(6) Petitions to enforce compliance with a summons issued by the Internal Revenue Service, pursuant to 26 U.S.C. §§ 7402(b) and 7604(a).

(b) In considering prisoner applications for post-trial relief under Paragraph (a)(1), the magistrate may exercise the powers enumerated in Rules 5, 8, 9, and 10 of the Rules governing § 2254 and § 2255 proceedings, in accordance with the standards and criteria established in 28 U.S.C. § 636(b)(1).

(c) Any party may object to the magistrate's proposed findings, recommendations or report issued under this rule within ten days after being served with a copy thereof. Such party shall file with the Clerk of Court, and serve on all parties and the district judge and magistrate, written objections which shall specifically identify the portions of the proceedings as the district judge may require. The district judge shall make a de novo determination of those portions to which objection

is made and may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate. The district judge, however, need not normally conduct a new hearing and may consider the record developed before the magistrate, making his own determination on the basis of that record. The district judge may also receive further evidence, recall witnesses or recommit the matter to the magistrate with instructions.

This Rule shall be effective February 15, 1979.

Walter T. McGovern, Chief Judge
United States District Court

Morell E. Sharp, Judge
United States District Court

Donald S. Voorhees, Judge
United States District Court

Jack E. Tanner, Judge
United States District Court