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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON

7 In Re:

8 CONSENTS AND REFERRALS TO
9 U.S. MAGISTRATE JUDGES
PURSUANT TO 28 U.S.C. §636

AMENDED GENERAL ORDER
NO. 01-15

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11 Pursuant to the agreement of all U.S. District Judges of this court, Amended General
12 Order 03-11 regarding Consent References to U.S. Magistrate Judges Pursuant to 28 U.S.C. §
13 636(c) is ordered amended as follows:

14 1. **General Objectives.** It is the intent of the court to facilitate the reference of civil
15 cases, pursuant to 28 U.S.C. §636, to the court's U.S. Magistrate Judges. The public, the parties
16 to civil litigation, and the court are well served by reference to magistrate judges of all
17 appropriate cases. The court is mindful, however, that such a reference should only be made in a
18 case if all parties knowingly and voluntarily consent to the reference. All procedures adopted
19 pursuant to this order, therefore, shall be interpreted and applied in a manner consistent with this
20 limitation.

21 2. **Social Security Cases.** This section applies to all cases in which plaintiff seeks
22 review, pursuant to 42 U.S.C. §405(g), of a decision by the Commissioner of Social Security.
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1 The clerk may assign such cases, upon filing, to a U.S. Magistrate Judge or a U.S.
2 District Judge. Cases properly filed in Tacoma may be randomly assigned to a district judge or
3 magistrate judge in Seattle or Tacoma. Cases properly filed in Seattle may be randomly assigned
4 to a district judge or magistrate judge in Seattle or Tacoma. Cases assigned to a U.S. District
5 Judge upon filing will not be referred to a U.S. Magistrate Judge. The Chief Judge may direct
6 the reassignment of cases as needed to assure a more equitable distribution.

7 The United States has already indicated its “general” consent to magistrate judge
8 jurisdiction in cases of this nature, subject to reserved rights to withdraw the consent in a given
9 case and to withdraw the general consent. If plaintiff timely consents, and if the United States
10 does not timely withdraw consent, the case shall be deemed assigned to the magistrate judge
11 without the necessity of an Order of Reference. If the plaintiff declines to consent or if the
12 United States timely withdraws its consent, the clerk shall reassign the case to a U.S. District
13 Judge. That assignment shall be made in accordance with the General Order on Division of
14 Court Business. Even in that event, however, the case shall be deemed referred, without further
15 order, to the same magistrate judge for preliminary proceedings, and for the preparation of a
16 Report & Recommendation.

17 All Social Security cases initially assigned to a magistrate judge pursuant to this General
18 order are deemed referred pursuant to 28 U.S.C. §636 unless or until such time as the parties
19 have filed a consent pursuant to 28 U.S.C. §636(c).

20 **3. Prisoner Cases.** This section applies to cases filed by persons in state or federal
21 custody, or on their behalf, either challenging a conviction or sentence, pursuant to 28 U.S.C. §
22 2254 or 28 U.S.C. § 2255, or challenging conditions of confinement or asserting other claims,
23 pursuant to 28 U.S.C. §1983, or other federal civil rights causes of action.

1 The clerk shall directly assign cases filed pursuant to 28 U.S.C. § 2255 to the district
2 judge who imposed the sentence.

3 The clerk shall assign all other prisoner cases, upon filing, both to a U.S. District Judge
4 and to a U.S. Magistrate Judge. Both judges shall be randomly selected from the judges in the
5 division in which the case is properly filed. The clerk shall promptly advise the parties of the
6 identity of the designated district judge and magistrate judge. The designated magistrate judge
7 will handle non-dispositive matters, and submit a Report & Recommendation on dispositive
8 matters. All prisoner cases, except those filed under 28 U.S.C. § 2255, are deemed referred
9 pursuant to 28 U.S.C. § 636.

10 **4. Other Civil Cases.** This section relates to all civil cases filed in this court with the
11 following exceptions: Social Security cases and Prisoner cases as described above, cases seeking
12 immediate injunctive relief, and bankruptcy cases involving appeals from orders by Bankruptcy
13 Judges or Petitions for Withdrawal of Reference.

14 The clerk shall randomly assign up to five cases per month, upon filing, to each
15 magistrate judge. The cases assigned to magistrate judges shall, insofar as possible, involve
16 levels of complexity similar to the court's overall caseload. These cases are not to be assigned
17 initially to a district judge and shall be assigned among the magistrate judges in the city where
18 the cases are properly filed.

19 Continued assignment of such a case to a magistrate judge is contingent upon the timely
20 filing by all parties of written consent. Promptly upon filing of a case which is assigned to a
21 magistrate judge, the clerk shall (a) advise the parties of the identity of the magistrate judge; (b)
22 advise the parties of their right to consent to assignment of the case to the magistrate judge, or
23 decline consent and request reassignment pursuant to 28 U.S.C. §636(c); (c) provide a basic fact
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1 sheet, in a form approved by the court, concerning consent references to magistrate judges; (d)
2 provide the parties appropriate consent forms for their consideration, and advise them that the
3 form must be received by the clerk by the date designated on the consent form; and (e) advise the
4 parties that, upon receipt of a request for reassignment, the case will be assigned to a district
5 judge, randomly selected from the district judges in the city where the case is properly filed.

6 If all parties consent to the jurisdiction of a magistrate judge, the case shall be deemed
7 assigned to the designated magistrate judge, pursuant to 28 U.S.C. §636(c), without the necessity
8 of any Order of Reference.

9 In all cases initially assigned to a district judge (i.e., not to a magistrate judge), the parties
10 shall nevertheless be afforded an opportunity to consent to the magistrate judge specifically
11 identified in the request for a Joint Status Report. In such cases, the court may direct the parties
12 to indicate, in a Joint Status Report, whether they consent to magistrate judge jurisdiction. If it is
13 a case where no Joint Status Report is required, the court, or the clerk, shall otherwise notify the
14 parties as to the opportunity to consent to a designated magistrate judge and provide the parties
15 appropriate consent forms. If the parties consent, the district judge may refer the case to the
16 specifically designated magistrate judge. This same procedure shall also be utilized in those
17 cases initially assigned to a magistrate judge and subsequently reassigned to a district judge. If
18 the parties later consent in such a case, the district judge may transfer the case to the magistrate
19 judge to whom the case was initially assigned.

20 **5. District Judge May Waive Time Limits.** Notwithstanding the time limits for the
21 filing of executed consent forms, as set forth in this order, a district judge may, in his or her
22 discretion, transfer a case at any time to a magistrate judge pursuant to the consent of all parties.

1 **6. Proceedings In Forma Pauperis.** Unless the court otherwise directs, upon filing, the
2 clerk shall assign to a magistrate judge all motions and applications to proceed in forma pauperis.
3 Upon receipt, the clerk shall assign to a magistrate judge any referral or request from an
4 appellate court for a determination regarding in forma pauperis status on appeal. All applications
5 to proceed in forma pauperis are deemed referred pursuant to 28 U.S.C. § 636.

6 **7. Future Modifications of Procedures.** The court reserves the right to modify the
7 provisions of this order from time to time, or to rescind the order entirely, as the court determines
8 necessary in light of experience. Such modifications might include, but are not limited to, the
9 number of "Other Civil Cases" initially assigned to each magistrate judge upon filing. One
10 factor the court will consider is any impact of the civil consent caseload upon the magistrate
11 judges' ability to discharge their other duties on a timely basis.

12 **8. Effective Date and Dissemination of Order.** The order shall apply to cases filed on
13 and after January 1, 2015 and until further notice. The clerk shall post a copy on the court's
14 website, and shall distribute copies whenever and to whomever the clerk deems appropriate.

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16 DATED this 15 day of January 2015.

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20 Marsha J. Pechman
21 Chief United States District Judge
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