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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON

7 In Re:

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

SECOND AMENDED GENERAL  
ORDER NO. 01-15

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:  
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15 1. **General Objectives.** It is the intent of the court to facilitate the reference of civil  
16 cases, pursuant to 28 U.S.C. §636, to the court's U.S. Magistrate Judges. The public, the parties  
17 to civil litigation, and the court are well served by reference to magistrate judges of all appropriate  
18 cases. The court is mindful, however, that such a reference should only be made in a case if all  
19 parties knowingly and voluntarily consent to the reference. All procedures adopted pursuant to  
20 this order, therefore, shall be interpreted and applied in a manner consistent with this limitation.  
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22 2. **Social Security Cases.** This section applies to all cases in which plaintiff seeks  
23 review, pursuant to 42 U.S.C. §405(g), of a decision by the Commissioner of Social Security.  
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25 The clerk may assign such cases, upon filing, to a U.S. Magistrate Judge or a U.S. District  
26 Judge. Cases properly filed in Tacoma may be randomly assigned to a district judge or magistrate  
27 judge in Seattle or Tacoma. Cases properly filed in Seattle may be randomly assigned to a district  
28 judge or magistrate judge in Seattle or Tacoma. Cases assigned to a U.S. District Judge upon

1 filing will not be referred to a U.S. Magistrate Judge. The Chief Judge may direct the  
2 reassignment of cases as needed to assure a more equitable distribution.

3 The United States has already indicated its “general” consent to magistrate judge  
4 jurisdiction in cases of this nature, subject to reserved rights to withdraw the consent in a given  
5 case and to withdraw the general consent. If plaintiff timely consents, and if the United States  
6 does not timely withdraw consent, the case shall be deemed assigned to the magistrate judge  
7 without the necessity of an Order of Reference. If the plaintiff declines to consent or if the United  
8 States timely withdraws its consent, the clerk shall reassign the case to a U.S. District Judge.  
9 That assignment shall be made in accordance with the General Order on Division of Court  
10 Business. Even in that event, however, the case shall be deemed referred, without further order,  
11 to the same magistrate judge for preliminary proceedings, and for the preparation of a Report &  
12 Recommendation.  
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15 All Social Security cases initially assigned to a magistrate judge pursuant to this General  
16 order are deemed referred pursuant to 28 U.S.C. §636 unless or until such time as the parties  
17 have filed a consent pursuant to 28 U.S.C. §636(c).  
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19 **3. Prisoner Cases.** This section applies to cases filed by persons in state or federal  
20 custody, or on their behalf, either challenging a conviction or sentence, pursuant to 28 U.S.C. §  
21 2254 or 28 U.S.C. § 2255, or challenging conditions of confinement or asserting other claims,  
22 pursuant to 28 U.S.C. § 1983, or other federal civil rights causes of action.  
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24 The clerk shall directly assign cases filed pursuant to 28 U.S.C. § 2255 to the district  
25 judge who imposed the sentence.

26 The clerk shall assign all other prisoner cases, upon filing, both to a U.S. District Judge  
27 and to a U.S. Magistrate Judge. Both judges shall be randomly selected from the judges in the  
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1 division in which the case is properly filed. The clerk shall promptly advise the parties of the  
2 identity of the designated district judge and magistrate judge. The designated magistrate judge  
3 will handle non-dispositive matters, and submit a Report & Recommendation on dispositive  
4 matters. All prisoner cases, except those filed under 28 U.S.C. § 2255, are deemed referred  
5 pursuant to 28 U.S.C. § 636.  
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7 **4. Other Civil Cases.** This section relates to all civil cases filed in this court with the  
8 following exceptions: Social Security cases and Prisoner cases as described above, cases seeking  
9 immediate injunctive relief, and bankruptcy cases involving appeals from orders by Bankruptcy  
10 Judges or Petitions for Withdrawal of Reference.  
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12 The clerk shall randomly assign up to five cases per month, upon filing, to each magistrate  
13 judge. The cases assigned to magistrate judges shall, insofar as possible, involve levels of  
14 complexity similar to the court's overall caseload. These cases are not to be assigned initially to  
15 a district judge and shall be assigned among the magistrate judges in the city where the cases are  
16 properly filed.  
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18 Promptly upon filing of a case which is assigned to a magistrate judge, the clerk shall (a)  
19 advise the parties of the identity of the magistrate judge; (b) advise the parties of their right to  
20 withdraw consent to assignment of the case to the magistrate judge and request reassignment  
21 pursuant to 28 U.S.C. §636(c); (c) provide a basic fact sheet, in a form approved by the court,  
22 concerning consent references to magistrate judges; (d) provide the parties appropriate consent  
23 forms for their consideration, and advise them that the form must be received by the clerk by the  
24 date designated on the consent form or they will have been deemed to have consented to  
25 magistrate judge jurisdiction; and (e) advise the parties that, upon receipt of a request for  
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1 reassignment, the case will be assigned to a district judge, randomly selected from the district  
2 judges in the city where the case is properly filed.

3 If no party withdraws consent to the jurisdiction of a magistrate judge, the case shall be  
4 deemed assigned to the designated magistrate judge, pursuant to 28 U.S.C. §636(c), without the  
5 necessity of any Order of Reference.

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7 In all cases initially assigned to a district judge (i.e., not to a magistrate judge), the parties  
8 shall nevertheless be afforded an opportunity to consent to the magistrate judge specifically  
9 identified in the request for a Joint Status Report. In such cases, the court may direct the parties  
10 to indicate, in a Joint Status Report, whether they consent to magistrate judge jurisdiction. If it  
11 is a case where no Joint Status Report is required, the court, or the clerk, shall otherwise notify  
12 the parties as to the opportunity to consent to a designated magistrate judge. If the parties consent,  
13 the district judge may refer the case to the specifically designated magistrate judge. This same  
14 procedure shall also be utilized in those cases initially assigned to a magistrate judge and  
15 subsequently reassigned to a district judge. If the parties later consent in such a case, the district  
16 judge may transfer the case to the magistrate judge to whom the case was initially assigned.  
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19 **5. District Judge May Waive Time Limits.** Notwithstanding the time limits for the  
20 filing of executed consent forms, as set forth in this order, a district judge may, in his or her  
21 discretion, transfer a case at any time to a magistrate judge pursuant to the consent of all parties.  
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23 **6. Proceedings *In Forma Pauperis*.** Unless the court otherwise directs, upon filing, the  
24 clerk shall assign to a magistrate judge all motions and applications to proceed in forma pauperis.  
25 All applications to proceed in forma pauperis are deemed referred pursuant to 28 U.S.C. § 636.  
26 Any reference received from a Court of Appeals for the limited purpose of determining whether  
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1 an appellant's IFP status should continue or whether the appeal is frivolous or taken in bad faith  
2 shall be reviewed by the judge that made the final decision that resulted in the appeal.

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

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

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14       **IT IS SO ORDERED.**

15       DATED this 10th day of July, 2017.

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19       RICARDO S. MARTINEZ  
20       CHIEF UNITED STATES DISTRICT JUDGE