

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON

8 In Re:

9 CONSENT REFERENCES TO U.S.
10 MAGISTRATE JUDGES,
PURSUANT TO 28 U.S.C. §636(c)

AMENDED
GENERAL ORDER 03-11

11
12
13 Pursuant to the agreement of all U.S. District Judges of this court, the General Order
14 In Re: Consent References to U.S. Magistrate Judges, pursuant to 28 U.S.C. §636(c) dated
15 April 30, 2004 and November 3, 2004 is ordered amended as follows:

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

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.
24

1
2 The clerk shall assign all such cases, upon filing, to a U.S. Magistrate Judge, and not
3 to a U.S. District Judge. Cases properly filed in Seattle shall be randomly assigned to a
4 magistrate judge in Seattle. Cases properly filed in Tacoma shall be randomly assigned to a
5 magistrate judge in Tacoma. The Chief Judge may direct the reassignment of cases as needed
6 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
9 given case and to withdraw the general consent. If plaintiff timely consents, and if the United
10 States does not timely withdraw consent, the case shall be deemed assigned to the magistrate
11 judge without the necessity of an Order of Reference. If the plaintiff declines to consent or if
12 the United States timely withdraws its consent, the clerk shall reassign the case to a U.S.
13 District Judge. That assignment shall be made in accordance with the General Order on
14 Division of Court Business. Even in that event, however, the case shall be deemed referred,
15 without further order, to the same magistrate judge for preliminary proceedings, and for the
16 preparation of a Report & Recommendation.

17 All Social Security cases initially assigned to a magistrate judge pursuant to this
18 General order are deemed referred pursuant to 28 U.S.C. §636(c) unless or until such time as
19 the parties 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, or challenging
22 conditions of confinement or asserting other claims pursuant to 28 U.S.C. §1983.

23 The clerk shall assign all such cases, upon filing, both to a U.S. District Judge and to a
24 U.S. Magistrate Judge. Both judges shall be randomly selected from the judges in the city in
25 which the case is properly filed, with the exception of cases filed pursuant to 28 U.S.C.
26 §2255. Cases filed pursuant to 28 U.S.C. §2255 shall be directly assigned to the district judge
27 who imposed the sentence and randomly referred to a magistrate judge as directed by the

1
2 district judge. The clerk shall promptly advise the parties of the identity of the designated
3 district judge and magistrate judge. The designated magistrate judge will handle non-
4 dispositive matters, and submit a Report and Recommendation on dispositive matters.

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

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

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

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

1
2 In all cases initially assigned to a district judge (i.e., not to a magistrate judge), the
3 parties shall nevertheless be afforded an opportunity to consent to the magistrate judge
4 specifically identified in the request for a Joint Status Report. In such cases, the court may
5 direct the parties to indicate, in a Joint Status Report, whether they consent to magistrate
6 judge jurisdiction. If it is a case where no Joint Status Report is required, the court, or the
7 clerk, shall otherwise notify the parties as to the opportunity to consent to a designated
8 magistrate judge and provide the parties appropriate consent forms. If the parties consent, the
9 district judge may refer the case to the specifically designated magistrate judge. This same
10 procedure shall also be utilized in those cases initially assigned to a magistrate judge and
11 subsequently reassigned to a district judge. If the parties later consent in such a case, the
12 district judge may transfer the case to the magistrate judge to whom the case was initially
13 assigned.

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

18 **6. Adjustment of Other Workload.** To assure equitable distribution of workload,
19 the Chief Magistrate Judge is authorized and directed to redistribute other duties from time to
20 time among all magistrate judges to balance any differing civil consent caseloads.

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

