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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON

8 In Re:

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

AMENDED GENERAL ORDER 03-12

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13 Pursuant to the agreement of all U.S. District Judges of this court, Amended General
14 Order 03-11 regarding Consent References to U.S. Magistrate Judges Pursuant to 28 U.S.C.
15 § 636(c) 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, 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.
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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 unless or until such time as the
19 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, pursuant to 28 U.S.C.
22 § 2254 or 28 U.S.C. § 2255, or challenging conditions of confinement or asserting other
23 claims, pursuant to 28 U.S.C. §1983, or other federal civil rights causes of action.

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

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

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

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

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

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

4 In all cases initially assigned to a district judge (i.e., not to a magistrate judge), the
5 parties shall nevertheless be afforded an opportunity to consent to the magistrate judge
6 specifically identified in the request for a Joint Status Report. In such cases, the court may
7 direct the parties to indicate, in a Joint Status Report, whether they consent to magistrate
8 judge jurisdiction. If it is a case where no Joint Status Report is required, the court, or the
9 clerk, shall otherwise notify the parties as to the opportunity to consent to a designated
10 magistrate judge and provide the parties appropriate consent forms. If the parties consent, the
11 district judge may refer the case to the specifically designated magistrate judge. This same
12 procedure shall also be utilized in those cases initially assigned to a magistrate judge and
13 subsequently reassigned to a district judge. If the parties later consent in such a case, the
14 district judge may transfer the case to the magistrate judge to whom the case was initially
15 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. Proceedings *In Forma Pauperis*.** Unless the court otherwise directs, upon filing,
19 the clerk shall assign to a magistrate judge all motions and applications to proceed *in forma*
20 *pauperis*. Upon receipt, the clerk shall assign to a magistrate judge any referral or request
21 from an appellate court for a determination regarding *in forma pauperis* status on appeal. All
22 applications to proceed *in forma pauperis* are deemed referred pursuant to 28 U.S.C. § 636.

23 **7. Future Modifications of Procedures.** The court reserves the right to modify the
24 provisions of this order from time to time, or to rescind the order entirely, as the court

1 determines necessary in light of experience. Such modifications might include, but are not
2 limited to, the number of "Other Civil Cases" initially assigned to each magistrate judge upon
3 filing. One factor the court will consider is any impact of the civil consent caseload upon the
4 magistrate judges' ability to discharge their other duties on a timely basis.

5 **8. Effective Date and Dissemination of Order.** The order shall apply to cases filed
6 on and after July 1, 2012 and until further notice. The clerk shall post a copy on the court's
7 website, and shall distribute copies whenever and to whomever the clerk deems appropriate.

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9 Entered this 12th day of September, 2012.
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15 Marsha J. Pechman
16 Chief United States District Judge
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