

1 UNITED STATES DISTRICT COURT FILED IN THE  
2 WESTERN DISTRICT OF WASHINGTON UNITED STATES DISTRICT COURT  
3 Western District of Washington

4 FEB 12 1974

5 In the Matter of the )  
6 Local Rules for the )  
7 Western District of Washington )

EDGAR SCOFIELD, Clerk  
ORDER By....., Deputy

8 The local rules for the Western District of Washington are hereby  
9 amended by adoption of Magistrates' Rules numbered 1, 21, 22, 23, 24, 25,  
10 26, 27, 28 and 29, and by amendment of Magistrates' Rule 20, as follows:

11 MR 1

12 SCOPE

13 Each of the U.S. Magistrates in this district shall have juris-  
14 diction to try persons accused of, and sentence persons convicted of,  
15 minor offenses, as defined in 18 U.S.C. Section 3401(f). The practice  
16 and procedure for the trial of such cases before the magistrate, and for  
17 the taking and hearing of appeals before the district court, shall  
18 conform to the provisions of 18 U.S.C. Sections 3401 and 3402, of the  
19 "Rules of Procedure for the Trial of Minor Offenses Before United States  
20 Magistrates", and of any other rules promulgated by the Supreme Court  
21 pursuant to 18 U.S.C. Section 3402.

22 MR 20

23 COMMITMENT UNDER TITLE III,  
24 NARCOTIC ADDICT REHABILITATION ACT

25 Every petition for commitment of a person as a narcotic addict  
26 under Title III of the Narcotic Addict Rehabilitation Act, 42 U.S.C.  
27 Sections 3411-3426, shall be referred by the clerk to a full-time  
28 magistrate in this district, unless no such magistrate is readily  
29 available. The full-time magistrate may conduct all necessary proceedings  
30 in connection with such petitions, and shall record the proceedings.

1 MR 21

2 SPECIAL MASTER IN CIVIL ACTIONS

3 Any full-time magistrate in this district may serve as a special  
4 master in an appropriate civil action upon the entry of an order of  
5 reference by a district judge in this district. The proceedings before  
6 the magistrate, the filing of his report, and the review of such report  
7 by the court shall be in accordance with the applicable provisions of  
8 Title 28 U.S.C. and of the Federal Rules of Civil Procedure for the  
9 United States District Courts; and shall also comply with any and all terms,  
10 conditions, directions and limitations set forth in the order of reference.  
11 The magistrate shall receive no additional compensation by reason of such  
12 service as special master.

13 MR 22

14 DISCOVERY PROCEEDINGS IN CIVIL CASES

15 The full-time magistrates in this district shall assist the  
16 district judges, when and as requested, in the conduct of discovery  
17 proceedings in civil cases, including but not limited to:

- 18 (a) Ruling upon all motions relating to discovery under  
19 Rules 26 through 37 inclusive of the Federal Rules  
20 of Civil Procedure;  
21 and  
22 (b) Supervising and coordinating the conduct of  
23 discovery in complicated cases.

24 MR 23

25 OTHER PRETRIAL PROCEEDINGS IN CIVIL CASES

26 The full-time magistrates in this district shall assist the  
27 district judges, when and as requested, in the conduct of other pretrial  
28 proceedings in civil cases. Such additional duties shall include, but  
29 are not limited to, the following:

- 30 (a) Conduct of pretrial conferences and related hearings;  
31 (b) Preparation of pretrial orders;

32

- 1 (c) Ruling upon motions relating to parties,  
2 including motions to add or substitute parties,  
3 to intervene, to file third-party complaints,  
4 to proceed as a class action, or to participate  
5 as an amicus curiae;
- 6 (d) Ruling upon motions relating to the amendment of  
7 pleadings;
- 8 (e) Ruling upon motions to extend time for pleading;
- 9 (f) Ruling upon motions for substitution of counsel;
- 10 (g) Ruling upon motions relating to security for costs;
- 11 (h) Ruling upon motions to sever or consolidate;
- 12 (i) Ruling upon motions to set aside default judgments;
- 13 (j) Ruling upon objections to taxing of costs;
- 14 (k) Ruling upon applications to proceed in forma pauperis.

15 MR 24

16 PRETRIAL DUTIES IN CRIMINAL CASES

17 The full-time magistrates in this district shall assist the  
18 district judges, when and as requested, in the conduct of pretrial  
19 proceedings in criminal cases, including but not limited to:

- 20 (a) Conducting pretrial conferences and related  
21 proceedings (see Local Criminal Rule 17.1 and  
22 37 F.R.D. 97);
- 23 (b) Conducting bail review hearings;
- 24 (c) Ruling upon motions relating to discovery;
- 25 (d) Ruling upon motions relating to subpoenae;
- 26 (e) Ruling upon motions relating to mental or  
27 other examinations;
- 28 (f) Ruling upon motions relating to the appointment  
29 of an interpreter or expert witness;
- 30 (g) Ruling upon motions for a bill of particulars;
- 31 (h) Ruling upon motions for release or substitution  
32 of counsel;

1 (i) Ruling upon motions relating to the availability  
2 of defendant for identification or handwriting  
3 exemplars;

4 (j) Ruling upon motions for the return or release  
5 of exhibits, or for forfeiture or destruction  
6 after trial of exhibits containing contraband;  
7 and

8 (k) Ruling upon motions by the United States Attorney  
9 for dismissal of any indictment, information or  
10 complaint.

11 MR 25

12 APPLICATIONS FOR POST-TRIAL RELIEF

13 The full-time magistrates in this district shall, upon request  
14 by a district judge, make a preliminary review of applications for  
15 post-trial relief made by individuals convicted of criminal offenses, and  
16 shall submit a report and recommendations to facilitate the decision of  
17 the district judge having jurisdiction over the case as to whether there  
18 should be a hearing. The magistrate may also, when requested by a  
19 district judge, and after making whatever inquiry he deems necessary,  
20 rule upon a motion to file such an application in forma pauperis, and  
21 appoint counsel for the applicant in appropriate cases. Applications  
22 coming within the scope of this rule include, but are not limited to:

23 (a) Applications by federal prisoners under  
24 28 U.S.C. Section 2255;

25 (b) Applications by federal prisoners to review  
26 United States Parole Board decisions;

27 (c) Applications by federal or state prisoners for  
28 writs of habeas corpus or mandamus; and

29 (d) Complaints by federal or state prisoners for  
30 relief under the Civil Rights Act.

31 (Title 42, United States Code).  
32

## REVIEW OF ADMINISTRATIVE DETERMINATIONS

1  
2  
3 The full-time magistrates in this district shall, upon reference  
4 by a district judge, review and submit a report and recommendations in  
5 cases involving the review of an administrative record and determination,  
6 including but not limited to the following:

- 7 (1) Actions to review administrative determinations  
8 under the Social Security Act and related statutes;  
9 (2) Actions to review the administrative award of  
10 licenses and similar privileges;  
11 (3) Federal Civil Service cases involving such matters  
12 as adverse actions, retirement questions, and  
13 reductions in force;  
14 (4) Immigration matters involving denial of preference  
15 classification status (8 U.S.C. Sections 1153 and 1154;  
16 and  
17 (5) Actions to set aside orders entered by deputy  
18 commissioners under the Longshoremen's and  
19 Harbor Workers Compensation Act, 33 U.S.C.  
20 Section 901, et seq.

## ADMINISTRATION OF CRIMINAL JUSTICE ACT PLAN

21  
22 The magistrates in this district, when and as requested, shall  
23 assist the district judges in the administration of the Criminal Justice  
24 Act plan for the district. The magistrates shall have concurrent  
25 authority with the district judges to:  
26

- 27 (a) Supervise the panel of attorneys;  
28 (b) Determine the eligibility of a defendant to have  
29 counsel appointed;  
30 (c) Appoint counsel; and  
31 (d) Examine and act upon vouchers submitted by  
32 appointed counsel.

MR 28

OTHER POWERS AND DUTIES

All magistrates in this district shall have the following additional powers and duties:

- (a) All powers and duties specified in 28 U.S.C. Section 636(a);
- (b) The authority to order a presentence investigation and report in any matter pending before the magistrate;
- (c) The power and duty to issue criminal summonses or bench warrants after the failure to appear of any defendant or witness;
- (d) Authority to conduct extradition proceedings (18 U.S.C. Section 3184);
- (e) All other powers and duties assigned to them from time to time by the judges of this district; and
- (f) All other powers reasonably necessary for the accomplishment of their duties, as set forth in these local rules or by statute or rule.

MR 29

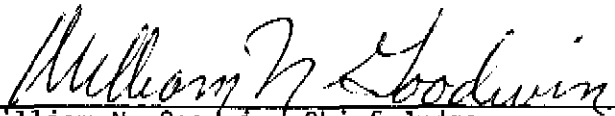
REVIEW BY DISTRICT COURT


Rulings, orders or other actions by a magistrate in this district, pursuant to local Magistrates Rules 20 and 22 through 28, inclusive, shall be subject to review by the district court as follows:

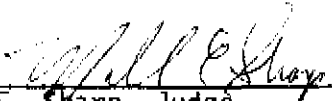
Any party may file and serve, not later than ten days thereafter, an application for a review of the magistrate's action by the district judge having jurisdiction. Copies of any such application shall be served promptly upon the other parties, the district judge, and the magistrate.

1           After conducting whatever further proceedings as he deems  
2 appropriate, the district judge may adopt or reject, in whole or in part,  
3 the action taken by the magistrate, or take such other action as he  
4 deems appropriate.

5           These rules shall be effective January 1, 1974.

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9           \_\_\_\_\_  
10          William N. Goodwin, Chief Judge,  
11          United States District Court

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13           \_\_\_\_\_  
14          Walter T. McGovern, Judge  
15          United States District Court

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19           \_\_\_\_\_  
20          Morell E. Sharp, Judge  
21          United States District Court