

FILED IN THE
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

FEB 16 1979

JOE R. ROMANE, Clerk
Deputy

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In the Matter of the Amendment)
of the Local Rules for the) GENERAL ORDER
Western District of Washington)

Magistrate's Rule MR 4 of the Local rules for the
Western District of Washington is hereby amended to read
as follows:

MR 4

DISPOSITIVE PRETRIAL AND OTHER MATTERS

(a) In accordance with 28 U.S.C. § 636(b)(1)(B) and
(C), the full-time magistrates in this district may, upon
reference by a district judge, hear, conduct such
evidentiary hearings as are deemed necessary or appropriate
by the magistrate, and submit to the referring district
judge proposed findings of fact and/or a report and
recommendation for the disposition of:

(1) Applications for post-trial relief made by
individuals convicted of criminal offenses;

(2) Prisoner petitions challenging conditions of
confinement;

(3) Motions for injunctive relief (including temporary
restraining orders and preliminary injunctions), for

1 judgment on the pleadings, for summary judgment, to dismiss
2 or quash an indictment or information made by a defendant,
3 to suppress evidence in a criminal case, to dismiss or
4 permit the maintenance of a class action, to dismiss for
5 failure to state a claim upon which relief may be granted,
6 to involuntarily dismiss an action, and for review of
7 default judgments;

8 (4) Petitions or applications for judicial review
9 of administrative determinations;

10 (5) Hearings to determine mental competency pursuant
11 to 18 U.S.C. § 4244, in cases to be tried by a district
12 judge;

13 (6) Petitions to enforce compliance with a summons
14 issued by the Internal Revenue Service, pursuant to
15 26 U.S.C. §§ 7402(b) and 7604(a).

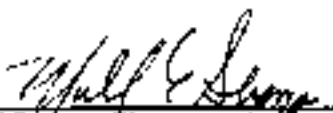
16 (b) In considering prisoner applications for post-
17 trial relief under Paragraph (a)(1), the magistrate may
18 exercise the powers enumerated in Rules 5, 8, 9, and 10
19 of the Rules governing § 2254 and § 2255 proceedings, in
20 accordance with the standards and criteria established
21 in 28 U.S.C. § 636(b)(1).

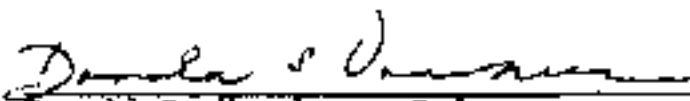
22 (c) Any party may object to the magistrate's
23 proposed findings, recommendations or report issued under
24 this rule within ten days after being served with a copy
25 thereof. Such party shall file with the Clerk of Court,
26 and serve on all parties and the district judge and
27 magistrate, written objections which shall specifically
28 identify the portions of the proceedings as the district
29 judge may require. The district judge shall make a
30 de novo determination of those portions to which objection
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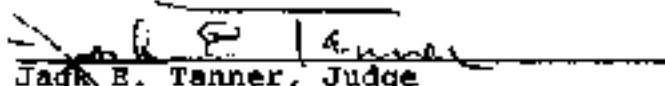
1 is made and may accept, reject, or modify, in whole or
2 in part, the findings or recommendations made by the
3 magistrate. The district judge, however, need not
4 normally conduct a new hearing and may consider the
5 record developed before the magistrate, making his
6 own determination on the basis of that record. The
7 district judge may also receive further evidence, recall
8 witnesses or recommit the matter to the magistrate with
9 instructions.

10 This Rule shall be effective February 15, 1979.

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12 
13 Walter F. McGovern, Chief Judge
14 United States District Court

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16 
17 Morell E. Sharp, Judge
18 United States District Court

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20 
21 Donald S. Voorhees, Judge
22 United States District Court

23
24 
25 Jack E. Tanner, Judge
26 United States District Court