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4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON

6 In Re:

7
8 CONSENT AND REFERRALS TO
9 MAGISTRATE JUDGES PURSUANT
10 TO 28 U.S.C. §636

AMENDED GENERAL ORDER
NO. 02-19

11 Pursuant to the agreement of all District Judges of this Court, Amended General Order
12 No. 01-15 regarding Consent and Referrals to Magistrate Judges under 28 U.S.C. §636(b) and
13 (c) is ORDERED amended as follows:
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15 1. **General Objectives.** It is the intent of the Court to facilitate the assignment of
16 civil cases, pursuant to 28 U.S.C. §636, to the Court’s Magistrate Judges. The public, the parties
17 to civil litigation, and the Court are well served by assignment to magistrate judges of all
18 appropriate cases.
19

20 2. **Social Security Cases.** The Clerk shall randomly assign to a Magistrate Judge,
21 upon filing, cases in which plaintiff seeks review, under 42 U.S.C. §405(g), of the decision of
22 the Commissioner of Social Security.
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24 The United States has already indicated its “general” consent to Magistrate Judge
25 jurisdiction in cases of this nature, subject to reserved rights to withdraw the consent in a given
26 case and to withdraw the general consent. If plaintiff timely consents, and if the United States
27 does not timely withdraw consent, the case shall remain assigned to the Magistrate Judge under
28 28 U.S.C. §636(c). If the plaintiff declines to consent or if the United States timely withdraws its

1 consent, the Clerk shall reassign the case to a District Judge. The Chief Judge may direct the
2 referral of such cases to Magistrate Judges as needed by the Court.

3 **3. Prisoner Cases.** This section applies to cases filed by persons in state or federal
4 custody, or on their behalf, either challenging a conviction or sentence, pursuant to 28 U.S.C. §
5 2254 or 28 U.S.C. § 2255, or challenging conditions of confinement or asserting other claims,
6 pursuant to 28 U.S.C. § 1983, or other federal civil rights causes of action.
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8 The Clerk shall directly assign cases filed pursuant to 28 U.S.C. § 2255 to the District
9 Judge who imposed the sentence.

10 The Clerk shall assign all other prisoner cases, upon filing, both to a District Judge and
11 to a Magistrate Judge. Both judges shall be randomly selected from the judges in the division in
12 which the case is properly filed. The Clerk shall promptly advise the parties of the identity of the
13 designated District Judge and Magistrate Judge. The designated Magistrate Judge will handle
14 non-dispositive matters and submit a Report & Recommendation on dispositive matters. All
15 prisoner cases, except those filed under 28 U.S.C. § 2255, are deemed referred pursuant to 28
16 U.S.C. § 636.
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19 **4. Other Civil Cases.** This section relates to all civil cases filed in this Court with
20 the following exceptions: Social Security cases and Prisoner cases as described above, cases
21 seeking immediate injunctive relief, and bankruptcy cases involving appeals from orders by
22 Bankruptcy Judges or Petitions for Withdrawal of Reference.
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24 The Clerk shall randomly assign some of these cases, upon filing, to the Magistrate
25 Judges. The Clerk shall (a) advise the parties that consent to the assigned Magistrate Judge is
26 voluntary, consent may be declined and that a request for reassignment may be made; (b) provide
27 the parties with a Notice of Assignment to a U.S. Magistrate Judge and Declination of Consent
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1 Form, and advise them the form must be received by the Clerk by the date designated in the form
2 should they choose to decline consent; and (c) advise the parties that, upon receipt of a request
3 for reassignment, the case will be assigned to a District Judge, randomly selected from the
4 District Judges in the division where the case is properly filed. By this order, all matters, that
5 arise prior to the deadline by which consent must be declined, are deemed referred to the
6 Magistrate Judge under 28 U.S.C. § 636(b).
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8 **If the Notice of Assignment to a U.S. Magistrate Judge and Declination of Consent**
9 **Form is not returned by the date designated in the form, each party is deemed to have**
10 **knowingly and voluntarily consented to proceed before the assigned Magistrate Judge**
11 **under 28 U.S.C. § 636(c).**
12

13 If a party declines consent, the identity of the party declining consent will not be
14 communicated to any judge. Additionally, if consent is declined by any party, the following
15 matters are deemed by this Order referred back to the Magistrate Judge under 28 U.S.C. § 636(b):
16 all preliminary matters including issuing a Report and Recommendation on dispositive motions.
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18 In all cases initially assigned to a District Judge the parties shall nevertheless be afforded
19 an opportunity to consent to having the case heard by a Magistrate Judge specifically identified
20 in the request for a Joint Status Report. In such cases, the Court may direct the parties to indicate,
21 in a Joint Status Report, whether they consent to Magistrate Judge jurisdiction. If it is a case
22 where no Joint Status Report is required, the Court, or the Clerk, shall otherwise notify the parties
23 as to the opportunity to consent to a designated Magistrate Judge and provide the parties
24 appropriate consent forms. If the parties consent, the Clerk shall reassign the case to the
25 Magistrate Judge as set forth under 28 U.S.C. § 636(b). This same procedure shall also be utilized
26 in those cases initially assigned to a Magistrate Judge and subsequently reassigned to a District
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1 Judge. If the parties later consent in such a case, the Clerk shall reassign the case to the Magistrate
2 Judge to whom the case was initially assigned.


3 5. **District Judge May Waive Time Limits.** Notwithstanding the time limit for the
4 filing of an executed consent form a District Judge may, in his or her discretion, transfer a case
5 at any time to a Magistrate Judge pursuant to the consent of all parties.
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7 6. **Proceedings *In Forma Pauperis*.** Unless the Court otherwise directs, upon filing,
8 the Clerk shall assign to a Magistrate Judge all motions and applications to proceed *in forma*
9 *pauperis*. All applications to proceed *in forma pauperis* are deemed referred pursuant to 28
10 U.S.C. § 636. Any reference received from a Court of Appeals for the limited purpose of
11 determining whether an appellant's IFP status should continue or whether the appeal is frivolous
12 or taken in bad faith shall be reviewed by the judge that made the final decision that resulted in
13 the appeal.
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15 7. **Future Modifications of Procedures.** The Court reserves the right to modify the
16 provisions of this Order or to rescind the Order entirely as the Court determines appropriate. One
17 factor the Court will consider is any impact of the civil consent caseload upon the Magistrate
18 Judge's ability to discharge their other duties on a timely basis.
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20 8. **Dissemination of Order.** The Clerk shall post a copy of this Amended Order on
21 the Court's website and shall distribute copies whenever and to whomever the Clerk deems
22 appropriate.
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24 **DATED** this 5th day of April 2019.

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27 RICARDO S. MARTINEZ
28 CHIEF UNITED STATES DISTRICT JUDGE