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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
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11 IN RE: CONSENT AND REFERRALS TO
12 MAGISTRATE JUDGES PURSUANT TO
13 28 U.S.C. §636
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GENERAL ORDER 11-22
MODIFYING AMENDED
GENERAL ORDER NO. 02-19

16 This General Order modifies the Court’s Amended General Order No. 02-19, issued on
17 April 5, 2019 and is being issued to remove certain language contained therein. Pursuant to
18 Section 7 of Amended General Order 02-19, the Court reserved the right to modify the
19 provisions of its order as the Court deemed appropriate. Accordingly, the Court modifies
20 Section 4 of Amended General Order 02-19 to remove the following language from the order:
21 “Additionally, if consent is declined by any party, the following matters are deemed by this
22 Order referred back to the Magistrate Judge under 28 U.S.C. § 636(b): all preliminary matters
23 including issuing a Report and Recommendation on dispositive motions.”
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1 Pursuant to the agreement of all District Judges of this Court, Amended General Order
2 No. 02-19 dated April 5, 2019, In Re: Consent and Referrals to Magistrate Judges pursuant to 28
3 U.S.C. §636, is ORDERED amended as follows:

4 1. **General Objectives.** It is the intent of the Court to facilitate the assignment of
5 civil cases, pursuant to 28 U.S.C. §636, to the Court’s Magistrate Judges. The public, the parties
6 to civil litigation, and the Court are well served by assignment to magistrate judges of all
7 appropriate cases.

8 2. **Social Security Cases.** The Clerk shall randomly assign to a Magistrate Judge,
9 upon filing, cases in which plaintiff seeks review, under 42 U.S.C. §405(g), of the decision of the
10 Commissioner of Social Security.

11 The United States has already indicated its “general” consent to Magistrate Judge
12 jurisdiction in cases of this nature, subject to reserved rights to withdraw the consent in a given
13 case and to withdraw the general consent. If plaintiff timely consents, and if the United States
14 does not timely withdraw consent, the case shall remain assigned to the Magistrate Judge under
15 28 U.S.C. §636(c). If the plaintiff declines to consent or if the United States timely withdraws its
16 consent, the Clerk shall reassign the case to a District Judge. The Chief Judge may direct the
17 referral of such cases to Magistrate Judges as needed by the Court.

18 3. **Prisoner Cases.** This section applies to cases filed by persons in state or federal
19 custody, or on their behalf, either challenging a conviction or sentence, pursuant to 28 U.S.C. §
20 2254 or 28 U.S.C. § 2255, or challenging conditions of confinement or asserting other claims,
21 pursuant to 28 U.S.C. § 1983, or other federal civil rights causes of action.

22 The Clerk shall directly assign cases filed pursuant to 28 U.S.C. § 2255 to the District
23 Judge who imposed the sentence.

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

8 4. **Other Civil Cases.** This section relates to all civil cases filed in this Court with
9 the 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 some of these cases, upon filing, to the Magistrate
13 Judges. The Clerk shall (a) advise the parties that consent to the assigned Magistrate Judge is
14 voluntary, consent may be declined and that a request for reassignment may be made; (b) provide
15 the parties with a Notice of Assignment to a U.S. Magistrate Judge and Declination of Consent
16 Form, and advise them the form must be received by the Clerk by the date designated in the form
17 should they choose to decline consent; and (c) advise the parties that, upon receipt of a request
18 for reassignment, the case will be assigned to a District Judge, randomly selected from the
19 District Judges in the division where the case is properly filed. By this order, all matters, that
20 arise prior to the deadline by which consent must be declined, are deemed referred to the
21 Magistrate Judge under 28 U.S.C. § 636(b).

22 **If the Notice of Assignment to a U.S. Magistrate Judge and Declination of Consent**
23 **Form is not returned by the date designated in the form, each party is deemed to have**
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1 **knowingly and voluntarily consented to proceed before the assigned Magistrate Judge**
2 **under 28 U.S.C. § 636(c).**

3 If a party declines consent, the identity of the party declining consent will not be
4 communicated to any judge.

5 In all cases initially assigned to a District Judge the parties shall nevertheless be afforded
6 an opportunity to consent to having the case heard by a Magistrate Judge specifically identified
7 in the request for a Joint Status Report. In such cases, the Court may direct the parties to
8 indicate, in a Joint Status Report, whether they consent to Magistrate Judge jurisdiction. If it is a
9 case where no Joint Status Report is required, the Court, or the Clerk, shall otherwise notify the
10 parties as to the opportunity to consent to a designated Magistrate Judge and provide the parties
11 appropriate consent forms. If the parties consent, the Clerk shall reassign the case to the
12 Magistrate Judge as set forth under 28 U.S.C. § 636(b). This same procedure shall also be
13 utilized in those cases initially assigned to a Magistrate Judge and subsequently reassigned to a
14 District Judge. If the parties later consent in such a case, the Clerk shall reassign the case to the
15 Magistrate Judge to whom the case was initially assigned.

16 5. **District Judge May Waive Time Limits.** Notwithstanding the time limit for the
17 filing of an executed consent form a District Judge may, in his or her discretion, transfer a case at
18 any time to a Magistrate Judge pursuant to the consent of all parties.

19 6. **Proceedings *In Forma Pauperis*.** Unless the Court otherwise directs, upon
20 filing, the Clerk shall assign to a Magistrate Judge all motions and applications to proceed in
21 forma pauperis. All applications to proceed *in forma pauperis* are deemed referred pursuant to
22 28 U.S.C. § 636. Any reference received from a Court of Appeals for the limited purpose of
23 determining whether an appellant's IFP status should continue or whether the appeal is frivolous
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1 or taken in bad faith shall be reviewed by the judge that made the final decision that resulted in
2 the appeal.

3 7. **Future Modifications of Procedures.** The Court reserves the right to modify the
4 provisions of this Order or to rescind the Order entirely as the Court determines appropriate.
5 One factor the Court will consider is any impact of the civil consent caseload upon the
6 Magistrate Judge’s ability to discharge their other duties on a timely basis.

7 8. **Dissemination of Order.** The Clerk shall post a copy of this Amended Order on
8 the Court’s website and shall distribute copies whenever and to whomever the Clerk deems
9 appropriate.

10 IT IS SO ORDERED.

11 Dated this 28th day of September, 2022.

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David G. Estudillo
Chief United States District Judge