

UNITED STATES DISTRICT COURT
DISTRICT OF IDAHO

IN RE:

General Order No. 273

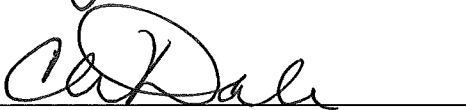
ADOPTION OF REVISED DISTRICT
COURT LOCAL RULES FOR CIVIL
PRACTICE 72.1

After giving appropriate public notice and opportunity for comment on the Revised District Court Local Rules for Civil Practice 72.1 for the District of Idaho, and said comment period having expired; IT IS HEREBY ORDERED that the Revised District Court Local Rules for Civil Practice 72.1 (Magistrate Judge Rules) are approved and adopted.

Dated: September 27, 2013



B. Lynn Winmill
Chief United States District Judge



Candy W. Dale
Chief Magistrate Judge

CIVIL RULE 72.1
MAGISTRATE JUDGE RULES

(a) Authority of United States Magistrate Judges.

(1) Authorized Magistrate Judge Duties. All United States magistrate judges of this Court are authorized to perform the duties prescribed by 28 U.S.C. § 636(a), (b), (c), and (g).

(2) Prisoner Cases Under 28 U.S.C. § 2254. Upon referral by a district judge a magistrate judge may perform any or all of the duties imposed upon a district judge by the rules governing proceedings in the United States District Courts under § 2254 of Title 28, United States Code. In so doing, the magistrate judge may issue any preliminary orders and conduct any necessary evidentiary hearing or other appropriate proceedings and must submit to a district judge a report containing proposed findings of fact and recommendations for disposition of the petition by the district judge except in cases where the death penalty has been imposed; in which case, the district judge will conduct any evidentiary hearing or other appropriate proceeding. Any order disposing of the motion may only be made by a district judge.

(3) Prisoner Cases Under 42 U.S.C. § 1983. Upon referral by a district judge a magistrate judge may issue any preliminary orders and conduct any necessary evidentiary hearing or other appropriate proceedings and must submit to a district judge a report containing proposed findings of fact and recommendations for the disposition of petitions or complaints filed by prisoners challenging the conditions of their confinement.

(4) Other Authorized Duties. A magistrate judge is also authorized to:

(A) Conduct any pretrial matters, such as pretrial conferences, settlement conferences, omnibus hearings, and related proceedings in civil cases upon the referral by a district judge;

(B) Conduct voir dire and select petit juries in civil cases assigned to a district judge, with the consent of the parties; and

(C) Accept petit jury verdicts in civil cases at the request of a district judge.

(b) Objections to Magistrate Judge's Orders, Reports, and Recommendations.

(1) Nondispositive Matters - 28 U.S.C. § 636(b)(1)(A). Pursuant to Fed. R. Civ. P. 72(a), a party may serve and file any objections, not to exceed twenty (20) pages, to a magistrate judge's order within fourteen (14) days after being served with a copy of the order, unless the magistrate judge or district judge sets a different time period. A party may serve and file a response, not to exceed twenty (20) pages, to another party's objections within

fourteen (14) days after being served with a copy thereof. The district judge may also consider sua sponte any order by a magistrate judge found to be clearly erroneous or contrary to law.

(2) Dispositive Matters - 28 U.S.C. § 636(b)(1)(B). When a pretrial matter dispositive of a claim or defense of a party, a post-trial motion for attorney fees, or a prisoner petition is referred to a magistrate judge without consent of the parties pursuant to 28 U.S.C. § 636(b)(1)(B), the magistrate judge will conduct such proceedings as required. The magistrate judge will enter a report and recommendation for disposition of the matter, including proposed findings of fact when appropriate.

Pursuant to Fed. R. Civ. P. 72(a), a party objecting to the recommended disposition of the matter must serve and file specific, written objections, not to exceed twenty (20) pages, to the proposed findings and recommendations within fourteen (14) days after being served with a copy of the magistrate judge's report and recommendation, unless the magistrate or district judge sets a different time period. A party may serve and file a response, not to exceed twenty (20) pages, to another party's objections within fourteen (14) days after being served with a copy thereof. The district judge to whom the case is assigned will make a de novo determination of any portion of the magistrate judge's recommended disposition to which specific objection has been made. The district judge may also consider sua sponte any portion of the proposed disposition. The district judge may accept, reject, or modify the recommended disposition, receive further evidence, or recommit the matter to the magistrate judge with directions.

RELATED AUTHORITY

Fed. R. Civ. P. 72