

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF IDAHO**

In the Matter of the Civil Case Assignment Process, )  
Amending Local Civil Rule 73.1, ) General Order No. 216  
and Superseding General Orders 159 and 163 )  
\_\_\_\_\_ )

This General Order amends Civil Local Rule 73.1, and adopts revised Civil Case Assignment and Consent Procedures, which supersede General Orders 159 and 163.

(1) Civil Local Rule 73.1 is HEREBY amended as follows:

.... “Notice. The Clerk of Court must notify the parties in all civil cases that they may consent to have a magistrate judge conduct any or all proceedings in the case and order the entry of a final judgment. The consent notice and consent to proceed form will be sent to **counsel for the plaintiff and first-appearing defendant** by the Clerk of Court at the time **the first defendant appears**. ~~an action is filed~~. Additional consent notice(s) and consent to proceed form(s) will be sent to counsel for **each subsequently-appearing** defendant(s) after **their answer appearance** has been **made**. ~~filed, and if necessary, may be included with pretrial notices and instructions” . . . .~~

(2) The Court HEREBY adopts the following revised Civil Case Assignment and Consent Procedures:

IT IS HEREBY ORDERED that all full-time Magistrate Judges in the District of Idaho shall be included in the civil case assignment process in such a proportionate basis as determined by the Article III District Judges, giving due consideration to the existing caseload.

**Standard Cases.**

Upon the filing of the complaint, a standard case will be randomly assigned to one of the District Judges or Magistrate Judges for the District of Idaho.

a. For those cases originally assigned to a United States District Judge, a Notice of Availability of a United States Magistrate Judge and Consent Form will be sent by ECF to each party by the Clerk of Court at the time of their appearance. The parties must return the Consent Form within 60 days of receipt by e-mailing the same in .pdf format to the following address: [consents@id.uscourts.gov](mailto:consents@id.uscourts.gov). The parties may later consent to have a Magistrate Judge hear the case, However, after the Rule 16.1 scheduling conference, the District Judge may decide to not permit reassignment if it

would not be an appropriate use of judicial resources. If reassignment is ordered, the case will then be randomly reassigned to a Magistrate Judge

b. For those cases originally assigned to a Magistrate Judge, a Notice of Assignment to a United States Magistrate Judge and Consent Form will be sent by ECF to each party by the Clerk of Court at the time of their appearance. The parties must return the Consent Form within 60 days of receipt or the case will be randomly reassigned to a District Judge without further notice. The form shall be e-mailed to the Clerk of Court in .pdf format to the following address: [consents@id.uscourts.gov](mailto:consents@id.uscourts.gov).

### **Prisoner Cases.**

All prisoner pro se cases will be assigned to a District Judge for an initial review. If the case is not dismissed in whole, it will be reassigned to a Magistrate Judge. A Notice of Assignment to a United States Magistrate Judge and Consent Form will be sent by ECF or mailed to each party by the Clerk of Court at the time of their appearance. The parties must return the Consent Form within 60 days of receipt, or the case may be reassigned to a District Judge without further notice. The case will be maintained by the Magistrate Judge until the return of all Consent Forms or the filing of a dispositive motion.

### **IFP Cases.**

All cases involving an *in forma pauperis* (IFP) application will be assigned to a District Judge for review. After the IFP determination is made, the case will be reassigned to a Magistrate Judge and a Notice of Assignment to a United States Magistrate Judge and Consent Form will be sent by ECF or mailed to each party by the Clerk of Court at the time of their appearance. The parties must return the Consent Form within 60 days of receipt, or the case may be reassigned to a District Judge without further notice. The case will be maintained by the Magistrate Judge until the return of all Consent Forms or the filing of a dispositive motion.

### **Pro Se Cases (Non-IFP, Non-Prisoner).**

All Pro Se cases which do not involve a prisoner or an IFP application will be randomly assigned to a Magistrate Judge at the time of filing. A Notice of Assignment to a United States Magistrate Judge and Consent Form will be sent by ECF or mailed to each party by the Clerk of Court at the time of their appearance. The parties must return the Consent Form within 60 days of receipt, or the case will be reassigned to a District Judge without further notice.

## **All Cases.**

At any time after the appearance of the first defendant, in a case assigned to a Magistrate Judge, a courtroom deputy may send a standardized ECF docket entry reminder notice (see sample below) to all parties indicating that some parties have not yet responded to the Notice of Availability of a United States Magistrate Judge and Consent Form and requesting that they do so within the prescribed 60-day period.

**"NOTICE TO ALL PARTIES:** All parties are requested to respond within the time frame set forth in [\[link to the previous notice of assign/avail that was sent out\]](#) pursuant to General Order #216. If you have already consented to assignment of this case to a U.S. Magistrate Judge, please disregard this notice. No Judge will be informed of a party's response unless all parties have consented to the assignment of the matter to a Magistrate Judge. Unless consents from all parties are received within the designated time frame, the case may be randomly re-assigned to a U.S. District Judge without further notice. **Sent to all counsel.**"

To ensure compliance with the requirements of 28 U.S.C. § 636(c)(2) and Rule 73(b), this form reminder will be the Court's only contact with counsel concerning the filing of consents in cases assigned to a Magistrate Judge.

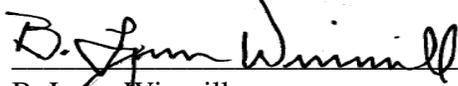
This order does not affect a party's right to have a district judge preside over the action, nor does it prevent a district judge from referring any civil or criminal matter, including pro se or non-pro se matters to the magistrate judges for further proceedings in accordance with 28 U.S.C. § 636 (a) or (b).

It is FURTHER ORDERED that the automatic assignment of all pro se cases to the magistrate judges, would be independent of the allocation percentages for magistrate judges for all other civil cases filed in any division.

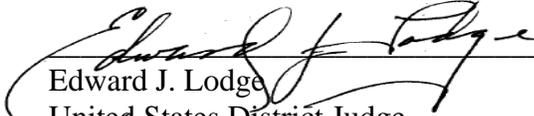
General Order 10, which automatically refers all Social Security cases to the Magistrate Judges at the time of filing, is not affected by this Order

This General Order will become effective June 1, 2007 and will supersede General Orders 159 and 163 and amend Local Civil Rule 73.1.

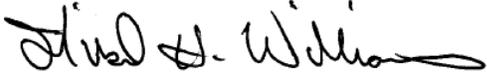
DATED this 29<sup>th</sup> day of May, 2007.



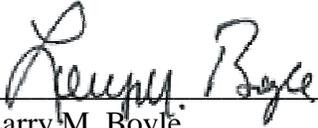
B. Lynn Winmill  
Chief United States District Judge



Edward J. Lodge  
United States District Judge



Mikel H. Williams  
Chief United States Magistrate Judge



Larry M. Boyle  
United States Magistrate Judge

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO**  
(For Cases Initially Assigned to District Judge)

[Plaintiff]	)	
	)	Case No.
Plaintiff,	)	
	)	Notice of Availability of a
vs.	)	United States Magistrate Judge
	)	and Consent Form
[Defendant]	)	
	)	
Defendant.	)	
	)	

In accordance with 28 U.S.C. § 636(c), Fed. R. Civ. P. 73, and District of Idaho General Order No. 216, you are notified that a United States Magistrate Judge of this district court is available to exercise the court’s jurisdiction and to conduct any or all proceedings in this case, including a jury or non-jury trial, and entry of a final judgment. Exercise of this jurisdiction by a United States Magistrate Judge is available only if all parties file a written consent, a copy of which is included in this notice.

You may, without adverse substantive consequences, withhold your consent, but this will prevent the court’s jurisdiction from being exercised by a magistrate judge. If any party withholds consent, the identity of the parties consenting or withholding consent will not be communicated to any magistrate judge or to the district judge to whom the case has been assigned. In order to ensure the efficient handling of this case, if counsel desire to consent to the assignment of this case to the Magistrate Judge, they must return this form within 60 days of receipt to the Clerk of Court, in .pdf format to [consents@id.uscourts.gov](mailto:consents@id.uscourts.gov). If you are a pro se litigant or proceeding *in forma pauperis*, you may mail this form to the following address: U.S. District Court, 550 W. Fort St. MSC 039, Boise, ID 83724. If all parties decide to consent to have the case reassigned to a Magistrate Judge after the Rule 16.1 scheduling conference, the District Judge may decide not to permit reassignment if it would not be an appropriate use of judicial resources.

An appeal from a judgment entered by a United States Magistrate Judge will be directly to the United States Court of Appeals for the Ninth Circuit in the same manner as an appeal from any other judgment of this district. 28 U.S.C. § 636(c); Fed.R.Civ.P. 73.

**CONSENT TO THE EXERCISE OF JURISDICTION  
BY A UNITED STATES MAGISTRATE JUDGE**

In accordance with provisions of 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73, the undersigned party to this case consents to have a United States Magistrate Judge conduct any and all proceedings in this case, including the trial, and order the entry of a final judgment.

Party Represented	Signature	Date
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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO**

[Plaintiff]	)	
	)	Case No.
	)	
Plaintiff,	)	Notice of Assignment to a
	)	United States Magistrate Judge
vs.	)	and Forms for Consenting to
	)	Proceed Before a Magistrate Judge
[Defendant]	)	or Requesting Reassignment to
	)	a District Judge
Defendant.	)	

In accordance with District of Idaho General Order No. 216, you are notified that the above entitled action has been assigned to a United States Magistrate Judge to conduct all proceedings in this case, including trial and entry of final judgment.

Exercise of this jurisdiction by a United States Magistrate Judge is, however, permitted only if all parties file a written consent form, a copy of which is part of this notice. You may also, without adverse consequences, request immediate reassignment to a District Judge on the form provided below. No Judge will be informed of a party's response to this notification, unless all parties have consented to the assignment of the matter to a United States Magistrate Judge. All parties are required to return this form within 60 days of receipt to the Clerk of Court. All counsel are required to e-mail this form in .pdf format to [consents@id.uscourts.gov](mailto:consents@id.uscourts.gov). If you are a pro se litigant or are proceeding *in forma pauperis*, you will be allowed to mail this form to the following address: U.S. District Court, 550 W. Fort St. MSC 039, Boise, ID 83724

An appeal from a judgment entered by a United States Magistrate Judge will be directly to the United States Court of Appeals for the Ninth Circuit in the same manner as an appeal from any other judgment of this district. 28 U.S.C. § 636(c); Fed.R.Civ.P. 73.

As soon as the Court receives a request for reassignment to a District Judge, the case will be so reassigned. Likewise, if all parties do not return this form within 60 days of receipt of this notice, this matter may be reassigned to a District Judge without further notice.

**CONSENT TO THE EXERCISE OF JURISDICTION  
BY A UNITED STATES MAGISTRATE JUDGE**

In accordance with provisions of 28 U.S.C. § 636(c), Fed. R. Civ. P. 73, and District of Idaho General Order No. 216, the undersigned party to this case consents to have a United States Magistrate Judge conduct any and all proceedings in this case, including the trial, and order the entry of a final judgment.

<b>Party Represented</b>	<b>Signature</b>	<b>Date</b>
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**REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE**

In accordance with provisions of 28 U.S.C. § 636(c)(4) and Fed. R. Civ. P. 73(b), and District of Idaho General Order No. 216, the undersigned party to this case requests that the reference of the case to the Magistrate Judge be vacated and the case reassigned to a District Judge.

Party Represented

Signature

Date

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