

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

**In the Matter of:** )  
**Automatic Assignment of all Prisoner,** )  
**and Pro Se Cases to Magistrate Judges** )  
 )  
\_\_\_\_\_ )

**General Order No. 163  
(Supercedes General Order 135)**

In the interest of improving the administration of justice, it is **HEREBY ORDERED** that all newly-filed prisoner and pro se cases<sup>1</sup> be automatically assigned to the magistrate judges in a random fashion. This order supercedes General Order 135<sup>2</sup> in respect to the provision which assigned prisoner and pro se cases equally to the District and Magistrate Judges. The magistrate judges will continue to receive the express consent of all parties, pursuant to Title 28 U.S.C. §636(c), and the procedures set forth in General Order 159.

Nothing in this order should be construed as an attempt to abridge a party's right to a district judge. Nothing in this order is intended to prevent a district judge from referring any existing pro se or non-pro se civil matter to the magistrate judges for the report and recommendation process under 28 U.S.C. §636.

It is **FURTHER ORDERED** that the automatic assignment of all prisoner and 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.

DATED this \_\_\_\_\_ day of January, 2001.

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B. Lynn Winmill, Chief District Judge

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<sup>1</sup> Pro se cases are defined as those cases in which the plaintiff or petitioner is a pro se litigant. Pro se cases would include pro se prisoner litigation, pro se non-prisoner litigation and pro se 28 U.S.C. § 2254 actions. Title 28 U.S.C. § 2255 actions would not be included as the statute requires these cases are to be handled by the district judge who presided over the corresponding federal criminal case.

<sup>2</sup> General Order No. 10, which automatically refers all Social Security cases to the magistrate judges, is not affected by this order. The magistrate judges shall still have these cases automatically referred to them at the time the cases are filed.