



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

In the Matter of)	
)	GENERAL ORDER NO. <u>01-13</u>
ASSIGNMENT OF DUTIES)	
TO MAGISTRATE JUDGES)	(SUPERSEDES GENERAL ORDERS
)	104, 104-A, 104-B, 104-C, 104-D,
)	104-E, 104-F and 194, 194-A,
)	194-B, 194-C, 194-D, 194-E, 194-F,
)	194-G, 194-H, 194-I and 97-3)
_____)	

This General Order shall amend and supersede General Orders numbered 104 through 104-F, General Orders numbered 194 through 194-I and General Order 97-3. All references to this general order and any subsequent amendments may be referenced as General Order 194.

IT IS HEREBY ORDERED that, unless restricted by General Order of this Court, United States Magistrate Judges of this Court are authorized to perform all of the duties and functions prescribed and authorized by 28 U.S.C. §636, or any other statutes or Federal Rules of Procedure which authorize Magistrate Judges to perform judicial duties or functions.

Magistrate Judges shall have the inherent power of judicial officers to

implement and enforce their own orders and regulate proceedings before them, to the extent permitted by law.

IT IS FURTHER ORDERED that the following civil and criminal matters shall be referred to the full-time Magistrate Judges:

Civil Matters:

1. Social Security disability cases;
2. Federal habeas corpus petitions;
3. Pro se §1983 and Bivens cases for pretrial purposes (except for cases where a federal judicial officer is named as a defendant);
4. State habeas corpus petitions (except for death penalty cases);
5. Applications for letters rogatory and requests for international assistance;
6. Applications for provisional remedies other than injunctive relief, including writs of attachment sought pursuant to Cal.Civ.Proc. Code § 481.010 et seq.;
7. Judgment debtor and third party examinations pursuant to Cal.Civ.Proc. Code §708.110 et seq. and other post-judgment discovery as provided by Fed.R.Civ.P. 69(a);
8. Discovery-related matters upon referral by the District Judge to whom the case is assigned;

9. Applications for warrants of arrest pursuant to Admiralty Rule C(3) and release from arrest pursuant to Admiralty Rule E(4)(f);

10. Any and all proceedings in a civil case (including jury and non-jury trials, and the entry of final judgment) upon the consent of the parties in accordance with the Local Rules;

11. Guardian ad litem applications;

12. Proceedings relating to naturalization matters;

13. Attorney admissions;

14. Jury excusals and grand jury empanelments;

15. Extradition proceedings pursuant to 18 U.S.C. §3181 et seq;

16. Settlement conferences in cases to which the Magistrate Judge is assigned; upon referral by the District Judge;

17. Upon referral by the District Judge to whom the case is assigned, and except as limited by General Order of this Court, any additional duty related to civil cases not inconsistent with the Constitution or laws of the United States.

Criminal Matters:

1. Process complaints and issue appropriate summonses or arrest warrants, and dismiss complaints upon the request of the United States Attorney;

2. Issue and accept returns of search and seizure warrants;

3. Review applications for and issue orders relating to the installation of a pen register, trap and trace, transponder or other surveillance device;
4. Conduct initial appearance proceedings and appoint counsel when necessary;
5. Conduct preliminary examinations;
6. Set bail for material witnesses;
7. Conduct removal hearings and issue warrants of removal;
8. Accept waivers of indictment;
9. Conduct extradition proceedings;
10. Conduct proceedings in cases charging misdemeanors and infractions as provided in 18 U.S.C. §3401, and order a presentence investigation report in any such case pending before such Magistrate Judge;
11. Conduct post-indictment arraignment proceedings and appoint counsel when necessary;
12. In accordance with the instructions of the District Judge to whom the case is assigned, accept not guilty pleas and set the case for trial and/or further proceedings before the District Judge;
13. Accept a plea of guilty and impose sentence in a case involving an information or indictment charging a misdemeanor offense originating in another district,

which has been transferred to this district, if the defendant consents to proceed before a Magistrate Judge;

14. Receive the Grand Jury reports, order that any indictments returned be filed, issue warrants and appropriate summonses, and set conditions for release on an indictment or information;

15. Review and issue orders relating to applications for the sealing of indictments, affidavits for search warrants and complaints and warrants, and other applications for sealing documents related to cases prior to the assignment of the case to a District Judge;

16. Issue subpoenas, writs of habeas corpus ad prosequendum or ad testificandum, or other orders necessary to obtain the presence of parties, witnesses, or evidence needed for the arraignment calendar or other court proceedings;

17. Exonerate or forfeit bonds, set aside forfeitures, and reinstate bail in proceedings pending before the Magistrate Judges;

18. Administer the Central Violations Bureau and recommend amendments to the bail schedule;

19. Fix or modify bail and conduct detention hearings and issue release and detention orders, as provided by 18 U.S.C. § 3142(f), (h) and (i);

20. Approve personal and corporate surety bonds and bonds requiring

personal sureties;

21. Conduct Nebbia hearings;

22. In proceedings pending before the Magistrate Judge, appoint a psychiatrist, when appropriate, under 18 U.S.C. § 4241 and conduct the competency hearing;

23. In proceedings pending before the Magistrate Judge, issue bench warrants for the failure of defendants or witnesses to appear.

IT IS FURTHER ORDERED that the following matters shall be referred to the part-time Magistrate Judges:

1. Process complaints and issue appropriate summonses or arrest warrants;

2. Issue search and seizure warrants;

3. Conduct initial appearance proceedings, and set any required preliminary examination before a full-time Magistrate Judge;

4. Administer oaths and affirmations, issue orders pursuant to 18 U.S.C. § 3142 concerning release or detention of persons pending trial;

5. Conduct proceedings in cases charging misdemeanors and infractions as provided in 18 U.S.C. § 3401, and order a presentence investigation report in any such case pending before such Magistrate Judge.

6. Perform such additional duties of the full-time Magistrate Judges as may be assigned by General Order of the Court, or Order of the Chief District Judge.

IT IS FURTHER ORDERED that, except in cases pending before the particular Magistrate Judge for all purposes, the following civil and criminal matters shall not be referred to the Magistrate Judges:

Civil:

1. Applications or motions for attorney's fees and costs;
2. Capital habeas corpus petitions;
3. Motions under 28 U.S.C. §2255, petitions for writs of habeas corpus or other writ petitions directed to a conviction and/or sentence sustained in this Court;
4. Applications or motions seeking contempt except as provided in 28 USC §636(e) or any successor statute;
5. Applications or motions seeking entry of default judgment;
6. Applications or motions seeking injunctive or mandamus relief, including temporary restraining orders;
7. Post-judgment applications or motions, except proceedings relating to the scheduling and conducting of judgment debtor and third party examinations pursuant to Cal. Civ. Proc. Code §§ 708.110 et seq. and other post-judgment discovery as provided by Fed.R.Civ.P. 69(a);

8. Potentially dispositive motions listed in 28 U.S.C. §636(b)(1)(A), except in social security disability cases, non-capital state or federal habeas corpus petitions, and pro se §1983 and Bivens cases;

9. Pretrial matters not relating to discovery; and

10. Jury selection, jury returns, and all other jury tasks (except grand and petit jury excusals).

Criminal Matters:

1. Criminal discovery;

2. Pretrial conferences and related matters; and

3. Jury selection, return of jury verdicts, and all other petit jury tasks.

IT IS FURTHER ORDERED that civil cases filed and assigned to Magistrate Judges shall be subject to the following:

1. When a case is filed that is referable to a Magistrate Judge for a report and recommendation, the Magistrate Judge shall be randomly drawn from a district-wide Report and Recommendation Assignment Wheel, subject to the special assignment rules hereinafter specified.

If a pro se civil rights plaintiff secures counsel or all the civil rights claims are dismissed without leave to amend, then the reference under this General Order shall be vacated automatically by the Clerk of the Court, and the case shall be returned to

the assigned District Judge with the assigned Magistrate Judge redesignated as the discovery Magistrate Judge. If a civil rights case is not referred to a Magistrate Judge under this General Order at the time it is filed, but the case is later determined to be referable or later becomes referable based on subsequent developments, then the case may be referred at the discretion of the assigned District Judge to a Magistrate Judge randomly drawn from the district-wide Report and Recommendation Assignment Wheel.

2. Once a case is randomly assigned to a Magistrate Judge for a report and recommendation, all subsequent habeas corpus cases, pro se civil rights and Bivens cases, and Social Security cases filed by that same party shall be directly assigned to the most recently assigned Magistrate Judge. The Magistrate Judge shall receive one credit in the Report and Recommendation Assignment Wheel for each case directly assigned. This rule shall not apply when either the original case or the subsequent case has multiple plaintiffs or petitioners. Rather, in those instances, the subsequent case shall be randomly assigned to a Magistrate Judge in accordance with this General Order.

3. Once a case is randomly assigned to a Magistrate Judge for a report and recommendation, if the reference thereafter is vacated by the District Judge, the same Magistrate Judge shall be directly assigned to the case for discovery. No card adjustments shall be made in the Assignment Wheels.

4. If a District Judge vacates a reference to a Magistrate Judge for

discovery and instead refers the matter to a Magistrate Judge for a report and recommendation, the case shall be randomly assigned to a new Magistrate Judge for the report and recommendation if no discovery matters were heard by the discovery Magistrate Judge. If such assignment is made, the discovery Magistrate Judge shall receive a debit in the Discovery Assignment Wheel.

If any discovery matters were heard by the discovery Magistrate Judge, the case shall be directly assigned to the same Magistrate Judge for the report and recommendation. If such transfer is made, the Magistrate Judge shall receive a credit in the Report and Recommendation Assignment Wheel and a debit in the Discovery Assignment Wheel.

5. If a case filed by a pro se litigant is assigned to a Magistrate Judge for discovery, and the same pro se litigant subsequently files a case which is to be assigned to a Magistrate Judge for a report and recommendation, the report and recommendation case shall be directly assigned to the discovery Magistrate Judge only if any discovery matters were heard by that Magistrate Judge. If such assignment is made, the Magistrate Judge shall receive a credit in the Report and Recommendation Wheel.

If no discovery matters were heard, a new Magistrate Judge shall be randomly assigned the report and recommendation case.

6. If it is determined upon the filing of a new report and

recommendation case that the same pro se litigant has a discovery case and a report and recommendation case pending before different Magistrate Judges, the new report and recommendation case shall be directly assigned to the Magistrate Judge who was randomly assigned to the most recent report and recommendation case.

The pending discovery case shall be directly assigned to the Magistrate Judge assigned to the most recent report and recommendation case if no discovery matters have been heard. If such transfer is made, the Discovery Assignment Wheel shall be respectively debited and credited for the transferor and transferee Magistrate Judge.

7. The Magistrate Judge randomly assigned a discovery case shall be directly assigned all subsequent discovery cases accepted by the originally assigned District Judge as related cases. Case credit for these direct assignments shall be limited to ten (10) unless otherwise ordered by the Chief Magistrate Judge.

IT IS FURTHER ORDERED that the Magistrate Judge to whom any particular action or proceeding is assigned and referred for a report and recommendation may transfer the case by order of the transferor and transferee Magistrate Judges. If such a transfer is made, it shall be respectively debited and credited in the Report and Recommendation Assignment Wheel.

This General Order shall be effective NOV 21 2007.