

FILED
CLERK, U.S. DISTRICT COURT
APR - 6 2012
CENTRAL DISTRICT OF CALIFORNIA
BY *Marsha Green* DEPUTY

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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 IN THE MATTER OF) GENERAL ORDER NO. 12-02
12 DIRECT ASSIGNMENT OF)
13 CIVIL CASES TO) (Supersedes General Order No. 11-06)
14 MAGISTRATE JUDGES)
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16 1. **IT IS ORDERED** that every full-time magistrate judge who has
17 completed thirty-six months of service with the Court and maintains his or her regular
18 caseload as determined by the Court shall be included in the pool of judicial officers
19 available for random selection as the assigned judge for all civil cases, except in those
20 cases excluded below. A full-time magistrate judge without thirty-six months of
21 service who maintains his or her caseload as determined by the Court may volunteer
22 to be included in the pool of judicial officers available for random selection.

23 2. Except in the categories of cases described below, each eligible
24 magistrate judge shall be randomly assigned two civil cases each month, and no
25 district judge will be assigned to those cases, except as provided hereafter. A
26 magistrate judge may volunteer to be assigned more than two cases each month.

27 3. Cases Excluded. The following categories of cases are excluded
28 from direct assignment to magistrate judges: class actions, death penalty habeas

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2 corpus petitions, bankruptcy appeals or bankruptcy withdrawal of reference cases,
3 cases referred to a magistrate judge for a Report and Recommendation under General
4 Order 05-07 (as amended by General Order 06-01) or any successor General Order,
5 and cases in which a request for a temporary restraining order or motion for
6 preliminary injunction is presented when the action is initiated.

7 4. Clerk’s Notice and Consent Form. When a case is randomly
8 assigned to a magistrate judge, the Clerk shall provide a Notice and Consent Form to
9 the plaintiff or removing party, who must serve the Notice and Consent Form on each
10 party at the time of service of the summons and complaint or other initial pleading.
11 The Notice shall instruct the parties, if they agree to a magistrate judge’s exercise of
12 jurisdiction over the case, to file a joint statement or separate statements of consent.
13 A separate statement of consent must be filed by newly-added parties, setting forth
14 such an election, in order for the magistrate judge to retain civil trial jurisdiction. The
15 Notice shall advise the parties that they are free to withhold consent without adverse
16 substantive consequences. The parties shall file the statement(s) of consent no later
17 than the time provided in the Local Rules of this court.

18 5. Magistrate Judge Serves as Judge For All Purposes. The assigned
19 magistrate judge initially shall be responsible for all case management and scheduling
20 activities and shall decide all non-dispositive pretrial and discovery matters. If all
21 parties consent in writing to the magistrate judge’s exercise of civil trial jurisdiction,
22 the case shall remain assigned to the magistrate judge for all purposes, including trial
23 and entry of final judgment pursuant to 28 U.S.C. § 636(c) and Federal Rule of Civil
24 Procedure 73. Appeal from a final judgment entered at a magistrate judge’s direction
25 may be taken to the court of appeals as would any other appeal from a district court
26 judgment.

27 6. Reassignment of Case. A case initially assigned to a magistrate
28 judge pursuant to this Order shall be randomly reassigned to a district judge if a party

has not consented to the exercise of jurisdiction by the magistrate judge within the time required by the Local Rules. A magistrate judge shall be randomly assigned to the reassigned case as the discovery judge.

7. If, prior to the statement(s) of consent being filed, a party files a motion or application that the magistrate judge determines is a motion for review under L.R. 72-2.1, the motion shall be determined by the Chief District Judge or shall be randomly assigned to a district judge for determination.

8. If, prior to the statement(s) of consent being filed, a party files a motion or application that the magistrate judge concludes he or she lacks authority to rule upon, and, in the magistrate judge's view, the motion or application may require immediate judicial attention, the motion or application shall be determined by the Chief District Judge or shall be randomly assigned to a district judge for determination.

9. If, prior to the statement(s) of consent being filed, a magistrate judge has issued an order to show cause why the case should not be dismissed or remanded or why a default judgment should not be entered, and the time for response to the Order to Show Cause has expired, the determination of whether the case should be dismissed or remanded or a default should be entered shall be made by the Chief District Judge or the matter shall be randomly assigned to a district judge for resolution. If the district judge does not dismiss or remand the case or enter judgment by default, the case shall remain with the magistrate judge for further proceedings consistent with this General Order and the Local Rules.

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10. This General Order shall be effective upon filing by the Clerk.
The program governed by this General Order shall be reviewed two years after April 20, 2011.

IT IS SO ORDERED.

Andrew B. Collins

CHIEF UNITED STATES DISTRICT JUDGE

Date of Approval by the Court: March 23, 2012

Date of Filing by the Clerk: April 6, 2012