

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

**DIRECT ASSIGNMENT OF)
CIVIL CASES TO) GENERAL ORDER NO. 08-09
MAGISTRATE JUDGES)
_____)**

IT IS ORDERED that all full-time magistrate judges who have completed thirty-six months of service with the Court shall be included in the pool of judicial officers available for random selection as the assigned judge for all civil cases, except in those cases excluded below. A full-time magistrate judge without thirty-six months of service may volunteer to be included in the pool of judicial officers available for random selection.

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

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

petitions, bankruptcy appeals or bankruptcy withdrawal of reference cases, cases referred to a magistrate judge for a Report and Recommendation under General Order 05-07 or any successor General Order, and cases in which a request for a temporary restraining order or motion for preliminary injunction is presented when the action is initiated.

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

Magistrate Judge Serves as Judge For All Purposes. The assigned magistrate judge initially shall be responsible for all case management and scheduling

activities and shall decide all non-dispositive pretrial and discovery matters. If all parties consent in writing to the magistrate judge's exercise of civil trial jurisdiction, the case shall remain assigned to the magistrate judge for all purposes, including trial and entry of final judgment pursuant to 28 U.S.C. § 636(c) and Federal Rule of Civil Procedure 73. Appeal from a final judgment entered at a magistrate judge's direction may be taken to the court of appeals as would any other appeal from a district court judgment.

Reassignment of Case. A case initially assigned to a magistrate 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.

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.

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.

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.

This General Order shall take effect on January 2, 2009. The program established by this General Order shall be a pilot project, to be reviewed two years after the effective date of this General Order.