FILED

AUG 29 2003

CLERK
U. S. DISTRICT COURT
MIDDLE DIST. OF ALA.

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA

IN RE: ASSIGNMENT OF "REGULAR CIVIL CASES" TO UNITED STATES MAGISTRATE JUDGES	)))	GENERAL ORDER NO. 3156

For good cause, it is

ORDERED that the previous General Orders entered regarding the assignment of "regular civil cases" to United States Magistrate Judges be and are hereby VACATED.

Pursuant to 28 U.S.C. § 636(c) and the rules of this court, the United States Magistrate Judges of this district have authority upon the consent of the parties to exercise full judicial authority in civil cases including conducting jury trials and entry of final judgment. The Committee on The Administration of the Magistrate Judges System of the Judicial Conference of the United States unanimously recommends full utilization of Magistrate Judges. The court concludes that routine, random assignment of "regular civil cases" to Magistrate Judges will advance this court's goal of fully utilizing the Magistrate Judges and thereby improve the efficient operation of the court as a whole. Accordingly, it is

ORDERED as follows:

1. Beginning on the effective date set forth in this order, the Clerk of the Court shall initiate procedures which accomplish the following:

A. The identification of forty percent (40%) of the "regular civil cases" for

primary assignment to a Magistrate Judge and the random assignment of those cases to one of the Court's Magistrate Judges. For the purposes of this order the term "regular civil cases" means civil cases which are not pro se or bankruptcy cases, and the term "primary assignment" means presumptive assignment of a case to a Magistrate Judge for *all* purposes including entry of judgment unless a party declines consent.

B. The random assignment of *all* regular civil cases to a District Judge and, in those cases identified for primary assignment to a Magistrate Judge, creation of a mechanism which identifies only for the court and the court staff the district judge to whom a case is assigned.

C. Review by the assigned District Judge of those cases selected for primary assignment to a Magistrate Judge so that a District Judge may exercise the right to remove a case from primary assignment to a Magistrate Judge.

2. In all regular cases primarily assigned to a Magistrate Judge, the Magistrate Judge is hereby expressly authorized pursuant to 28 U.S.C. § 636(c) to conduct all further proceedings including entry of judgment upon the consent of all parties to the case.

3. Upon primary assignment of a regular civil case to a Magistrate Judge the Clerk of the Court shall send a Notice of Assignment and Request for Reassignment to counsel for the plaintiff and to counsel for each defendant at the time of their first appearance. This notice shall explain generally the consent process and the right of a party to request reassignment to a district judge without adverse consequences. The transmittal of the

Notice of Assignment and Request for Reassignment shall be docketed. If a party is not represented by counsel, the Notice of Assignment and Request for Reassignment shall be sent to the party. If any party requests reassignment the case shall be reassigned to a District Judge. The Clerk shall not disclose to any judge the identify of any party requesting reassignment. If no party requests reassignment within 21 days from the date of the docketing of the last Notice of Assignment and Request for Reassignment, the assigned Magistrate Judge shall proceed with management of the case and shall require the parties to send to the Clerk by a date certain a written confirmation of consent. When the Clerk has received a written confirmation of consent from *all* parties, the forms shall be filed and tabbed. If one or more parties fails to consent in writing as required, the Magistrate Judge shall notify the Clerk and request that the Clerk take appropriate action to determine if one or more parties has affirmatively chosen not to consent. Without identifying a non-consenting party, the Clerk shall inform the Magistrate Judge that a party does not wish to consent. The Magistrate Judge then shall take appropriate action with regard to the case.

4. The Clerk of the Court shall maintain and report on a monthly basis both in the aggregate and for each Magistrate Judge the following information:

a. Number of initial primary assignments to each Magistrate Judge.

b. Number of cases in which a District Judge exercises the right to remove a case from primary assignment to a Magistrate Judge.

c. Number of cases in which a party declines consent to jurisdiction by a Magistrate Judge.

5. The effective date of this Order is August 29, 2003

Done this 29th day of August, 2003.

CHIEF UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT JUDGE