District Local Rule Civ 73.1 (Civil)

ASSIGNMENT OF CIVIL CASES
TO A MAGISTRATE JUDGE
UPON THE CONSENT OF THE PARTIES

A civil case may be conditionally assigned to a magistrate judge or reassigned from a district judge to a magistrate judge under 28 U.S.C. § 636(c) for any and all proceedings in a jury or non-jury matter, including pretrial, trial, and post-trial motions, and ordering the entry of judgment. Before a magistrate judge can exercise jurisdiction over a civil case, all parties must sign a written consent to proceed before the magistrate judge.

(a) **Notice.** The Clerk of Court will notify the parties in all civil cases that they may consent to have a Magistrate Judge conduct any or all proceedings in the case and order the entry of a final judgment, as follows:

1) Habeas corpus cases: At the time the action is conditionally filed, the Clerk of Court will send a Notice of Assignment to a United States Magistrate Judge ("Notice of Assignment") with a consent to proceed form to the petitioner and to the Idaho Attorney General, or such other attorney as may be appropriate, on behalf of all named respondents.

2) Non-habeas corpus prisoner and in forma pauperis civil cases: The Clerk of Court will send either a Notice of Assignment or a Notice of Availability of a United States Magistrate Judge ("Notice of Availability") and a consent to proceed form to each party remaining after the screening order is completed and a presiding judge is designated for the case.

3) All other civil cases: The Clerk of Court will send either a Notice of Assignment or a Notice of Availability and a consent to proceed form to each party.

4) If parties are added to the case after all existing parties have consented to proceed before a Magistrate Judge, the Clerk of Court will send a Notice of Assignment and a consent to proceed form to each new party upon appearance of the party added.

(b) **Return of Consent Forms.** Any party, or any attorney on behalf of a party, consenting to proceed before a United States Magistrate Judge should return the signed consent to proceed form to the Clerk of Court by e-mailing it in .pdf format to the following address: consents@id.uscourts.gov (or by mail if a pro se litigant does not have electronic mail capabilities). The Clerk of Court will keep custody of all consent to proceed forms under seal until it is determined whether all parties have consented to proceed before a Magistrate Judge. If all parties to an action so consent, the Clerk of Court will file and docket the consent to proceed forms and the case will continue before, or will be reassigned to, a Magistrate Judge. Parties are free to withhold their consent without adverse consequences, and the Clerk of Court will take reasonable steps to ensure voluntariness and confidentiality of consents and requests for reassignment. If all parties do not return the consent to proceed forms within 60 days after the forms were sent by the Clerk of Court, the case will remain with, or be reassigned to, a District Judge.

RELATED AUTHORITY

General Order No. 324
28 U.S.C. § 636