

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

In the Matter of: Automatic Assignment of Civil
Cases and Amending Local Civil Rule 73.1

General Order No. 324
(Supersedes and replaces General Order
237)

Re: Assignment of Prisoner and In
Forma Pauperis Civil Cases

In accordance with 28 U.S.C. § 636(c)(1) and the decision in *Williams v. King*, 875 F.3d 500 (9th Cir. 2017), IT IS HEREBY ORDERED that (1) all habeas corpus cases filed under 28 U.S.C. §§ 2241-2254 will be randomly assigned to the United States Magistrate Judges; (2) all non-habeas corpus prisoner and in forma pauperis civil cases will be randomly assigned to the United States District Judges, with the District Judge to function as a screening judge in each prisoner case or in forma pauperis case; and (3) all non-habeas corpus, non-prisoner, non-in forma pauperis civil cases will be randomly assigned among the Magistrate Judges and District Judges, on a proportionate basis as determined by the District Judges, giving due consideration to the existing caseload. This Order supersedes and replaces General Order 237, with respect to the requirement that all prisoner and in forma pauperis cases be assigned to Magistrate Judges for initial review, and adopts revised Civil Case Assignment Procedures for all civil cases.

IT IS FURTHER ORDERED that, if any claim in a non-habeas corpus prisoner or in forma pauperis civil case remains pending after the screening judge has completed an initial review of a complaint (or a successive review of an amended complaint, if applicable), the case will be returned to the Clerk of Court for random civil case assignment to a Magistrate Judge or a District Judge, on a proportionate basis as determined by the District Judges, giving due consideration to the existing caseload.

IT IS FURTHER ORDERED that, upon consent of all the parties, the Magistrate Judge is designated to exercise jurisdiction to conduct all proceedings and to order the entry of final judgment in civil cases. “Consent of all the parties” means either (1) all named parties have consented to the jurisdiction of a United States Magistrate Judge to enter final orders; or (2) the parties remaining, if the screening judge has dismissed certain parties, have consented to the jurisdiction of a United States Magistrate Judge to enter final orders.

IT IS FURTHER ORDERED that Civil Local Rule 73.1 will be amended in pertinent part to reflect the above orders as follows:

- (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, Voluntariness, and Confidentiality. 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.

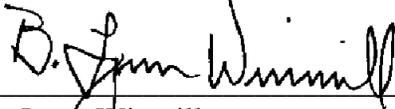
IT IS FURTHER ORDERED that, if all parties do not return the consent to proceed forms within 60 days after the forms were sent by the Clerk of Court, the case will remain with, or be reassigned to, a District Judge.

IT IS FURTHER ORDERED that this Order does not affect a party's right to have a District Judge preside over the action, nor does it prevent a District Judge from referring any civil or criminal matter to a Magistrate Judge for further proceedings in accordance with 28 U.S.C. § 636(a) or (b).

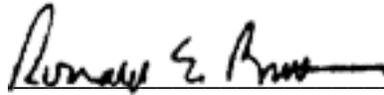
IT IS FURTHER ORDERED that General Order 10, which automatically refers all Social Security cases to the Magistrate Judges at the time of filing, is not affected by this Order.

This General Order will become effective January 16, 2018, will supersede General Order 237, and will amend Local Civil Rule 73.1.

DATED: January 16, 2018



B. Lynn Winmill
Chief United States District Judge



Ronald E. Bush
Chief United States Magistrate Judge