

MAGISTRATE RULE 3 | PROCEDURES BEFORE THE MAGISTRATE JUDGE

(a) **In General.** In performing duties for the Court, a Magistrate Judge shall conform to all applicable provisions of federal statutes and rules, to the general procedural rules of this Court, and to the requirements specified in any order of reference from a District Judge.

(b) **Special Provisions for the Disposition of Civil Cases by a Magistrate Judge on Consent of the Parties—Title 28, United States Code, Section 636(c).**

(1) *Notice.* The Clerk of the Court shall notify the parties in all civil cases that they may consent to have the Magistrate Judge who is assigned to the case at the time of the consent conduct any or all proceedings in the case and order the entry of a final judgment. Such notices shall be handed or mailed to the plaintiff or his representative at the time an action is filed and to other parties as attachments to copies of the complaint and summons, when served. Additional notices may be furnished to the parties at later stages of the proceedings, and may be included with pretrial notices and instructions.

(2) *Execution of Consent.* The Clerk of the Court shall not accept a consent form unless it has been signed by all the parties in a case. The plaintiff shall be responsible for securing the execution of a consent form by the parties and for filing such form with the Clerk of the Court, and serving the executed consent form on all parties. No consent form will be made available, nor will its contents be made known, to any District Judge or Magistrate Judge, unless all parties have consented to the reference to a Magistrate Judge. No Magistrate Judge, District Judge, or other Court official may attempt to persuade or induce any party to consent to the reference of any matter to a Magistrate Judge. This rule, however, shall not preclude a District Judge or Magistrate Judge from informing the parties that they may have the option of referring a case to a Magistrate Judge.

(3) *References.* After the consent form has been executed, filed and served, the Clerk of the Court shall transmit it to the District Judge to whom the case has



been assigned for consideration of approval and possible referral of the case to the Magistrate Judge assigned to the case, by specific order of reference. Once the case has been assigned to that Magistrate Judge, the Magistrate Judge shall have the authority to conduct any and all proceedings to which the parties have consented and to direct the Clerk of the Court to enter a final judgment in the same manner as if a District Judge had presided.

Effective December 1, 1994. Amended effective April 15, 2007; December 1, 2011; December 1, 2015; December 2, 2019.

