

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA**

IN RE ASSIGNMENT OF CIVIL *
CASES TO UNITED STATES * STANDING ORDER NO. 24
MAGISTRATE JUDGES *

The Committee on The Administration of the Magistrate Judges System of the Judicial Conference of the United States has unanimously recommended that full utilization of magistrate judges, including the trying of civil cases by consent of the parties, be made part of the Long Range Plan of the Judicial Conference. To optimize the opportunity for magistrate judges to exercise full decisional authority, the Committee has suggested a method of randomly assigning civil cases to magistrate judges, a method that has proven successful in those districts that have employed the procedure.

The reports of the Advisory Committees of this District, established pursuant to the Civil Justice Reform Act, have consistently found that this Court's practice of fully utilizing its magistrate judges is a key factor in the timely and efficient management of both the criminal and civil dockets. These findings are consistent with the opinions of all the district judges of the Court.

Therefore, the Clerk of Court shall randomly assign to our full-time magistrate judges a percentage of the Court's total civil docket in an effort to enhance the opportunity for litigants to more fully utilize the services of the magistrate judges. The specific percentage of cases referred shall be set by the district judges and may be changed from time to time as circumstances require.

To effectuate the orderly management of those cases referred to the magistrate judges, and in order to give notice of this policy to litigants and their counsel, the following procedure is established:

1. The Clerk shall submit each action randomly selected for reference to a magistrate judge to the district judge on whose docket it would have otherwise been assigned for an informal pre-reference review. Only if the district judge approves of the reference, shall the action be referred to the designated magistrate judge and the parties given notice.

2. When an action is referred to a magistrate judge pursuant to this Standing Order, the Clerk shall notify all parties who have appeared by sending a Notice of Assignment of Case to a Magistrate Judge for Trial (Exhibit A). In accordance with Rules 4 and 5, Federal Rules of Civil Procedure, it shall be the responsibility of plaintiffs to immediately serve a copy of this Notice on those parties named as defendants but who have not made an appearance.

3. Any party to a referred action may choose to have the action reassigned to a district judge. The Court shall be informed of a party's decision to request reassignment by sending the Clerk a Request For Reassignment To A United States District Judge For Trial and Disposition (Exhibit B). Requests for reassignment shall be sent to the Clerk on a schedule established by the Court in each individual action. They shall be kept confidential by the Clerk and the identity of the party or parties seeking reassignment shall not be revealed to either the district judge or magistrate judge. All parties are free to seek reassignment of an action referred pursuant to this Standing Order without the imposition of any adverse substantive consequences.

4. Should all parties agree to authorize a magistrate judge to exercise consent jurisdiction, they shall execute and file a joint form of consent that complies with the requirements of the attached Consent to Exercise of Jurisdiction By A United States Magistrate Judge (Exhibit C). Once the Clerk has received consent from all parties, the action shall be referred to the appropriate district judge for the entry of a formal

reference.

5. In his or her discretion, the magistrate judge to whom any action is referred may order reassignment *sua sponte*. If, during the pendency of an action referred to a magistrate judge pursuant to this Standing Order, it is discovered that all parties have not previously executed a consent form and further, that all parties will not agree to consent jurisdiction, the action shall be reassigned.

6. In actions referred to the magistrate judges, each shall conduct all further proceedings including a jury or bench trial and shall order the entry of a final judgment in accordance with 28 U.S.C. § 636(c). Any appeal of a judgment entered by a magistrate judge in consent actions shall be taken directly to the Eleventh Circuit Court of Appeals as required by 28 U.S.C. § 636(c)(3).

DONE AND ORDERED this 29th day of August, 2000.

CHARLES R. BUTLER, JR.
CHIEF UNITED STATES DISTRICT JUDGE

RICHARD W. VOLLMER, JR.
UNITED STATES DISTRICT JUDGE

VIRGIL PITTMAN
SENIOR UNITED STATES DISTRICT JUDGE

WILLIAM BREVARD HAND
SENIOR UNITED STATES DISTRICT JUDGE

ALEX T. HOWARD, JR.
SENIOR UNITED STATES DISTRICT JUDGE

The plaintiff shall serve a copy of this notice and attachments immediately upon all other parties that have been served with the summons and complaint pursuant to Rules 4 and 5, Federal Rules of Civil Procedure.

This notice was mailed to counsel of record on the ____ day of _____
____, 20__.

CHARLES R. DIARD, JR., CLERK

BY: _____
Deputy Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ALABAMA

Plaintiff(s)

vs..

Case Number: _____

Defendant(s)

**NOTICE OF AVAILABILITY OF A UNITED STATES MAGISTRATE JUDGE
TO EXERCISE JURISDICTION**

In accordance with the provisions of Title 28, U.S. C. 636(c), and Fed.R.Civ.P.73, you are notified that a United States Magistrate Judge of this district court is available to conduct any or all proceedings in this case including a jury or nonjury trial, and to order the entry of a final judgment. Exercise of this jurisdiction by a Magistrate Judge is, however, permitted only if all parties voluntarily consent.

You may, without adverse substantive consequences, withhold your consent, but this will prevent the court's jurisdiction from being exercised by a Magistrate Judge. If any party withholds consent, the identity of the parties consenting or withholding consent will not be communicated to any Magistrate Judge or to the District Judge to whom the case has been assigned.

An appeal from a judgment entered by a Magistrate Judge shall be taken directly to the United States Court of Appeals for this judicial circuit in the same manner as an appeal from any other judgment of this district court.

CONSENT TO EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE

In accordance with the provisions of 28 U.S.C. 636(c) and Fed.R.Civ.P.73, the parties in this case consent to have a United States Magistrate Judge conduct any and all proceedings in this case, including the trial, and order the entry of a final judgment, and conduct all post-judgment proceedings.

Party Represented

Signatures

Date

_____	_____	_____
_____	_____	_____
_____	_____	_____

ORDER OF REFERENCE

IT IS HEREBY ORDERED that this case be referred to _____ United States Magistrate Judge, to conduct all proceedings and order the entry of judgment in accordance with 28 U.S.C. 636(c) and Fed.R.Civ.P.73.

Date

United States District Judge

NOTE: RETURN THIS FORM TO THE CLERK OF THE COURT ONLY IF ALL PARTIES HAVE CONSENTED ON THIS FORM TO THE EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE.