

GENERAL ORDER NO. 41

ASSIGNMENT OF CIVIL CASES TO UNITED STATES MAGISTRATE JUDGES

Commencing on March 1, 1996, or as soon thereafter as possible, the full-time United States Magistrate Judges in the Northern District of California shall be included in the civil case assignment system in the same manner as the United States District Judges, except that no capital cases, bankruptcy appeals or bankruptcy withdrawal of reference cases will be assigned to Magistrate Judges. The percentage of the District's civil caseload assigned to each Magistrate Judge will be as the Assignment Committee from time to time instructs.

In cases assigned to a United States Magistrate Judge, the Magistrate Judge shall conduct all further proceedings including a jury or bench trial and shall order the entry of a final judgment upon the consent of all parties in the case in accordance with 28 U.S.C. § 636(c). Cases assigned to a Magistrate Judge shall not be assigned to a United States District Judge unless a party declines to consent.

In all cases assigned at filing to a Magistrate Judge in which Plaintiff is represented by counsel, the Clerk of Court shall provide all parties with a Notice of Assignment of Case To A United States Magistrate Judge for Trial (Exhibit A) and a Request for Reassignment To A United States District Judge (Exhibit A-1). Unless a party represented by counsel requests reassignment of the case to a United States District Judge within 30 days after his or her initial appearance, that is, 30 days

after the complaint is filed, in the case of Plaintiff, or 30 days after an answer or motion to dismiss is filed, in the case of Defendant, the parties will be deemed to have consented to trial and disposition by the assigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(c) and Rule 73, Federal Rules of Civil Procedure.

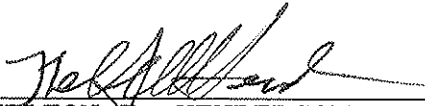
In all cases assigned at filing to a Magistrate Judge in which Plaintiff appears in propria persona, the Clerk shall provide all parties with a Notice of Assignment of Case Involving Pro Se Party To A United States Magistrate Judge For Trial (Exhibit B) and a Consent to Assignment or Request for Reassignment (Exhibit B-1). All parties shall return this form within 30 days after their initial appearance, that is, 30 days after the complaint is filed, in the case of Plaintiff, or 30 days after an answer or motion to dismiss is filed, in the case of Defendant.

If a party declines to consent to a United States Magistrate Judge and requests reassignment, the Clerk shall reassign the case to a United States District Judge on a random basis.

IT IS SO ORDERED.

Dated: _____

1/23/96



THELTON E. HENDERSON
Chief Judge
United States District Court
Northern District of California

NOTICE OF ASSIGNMENT TO
UNITED STATES MAGISTRATE JUDGE FOR TRIAL

This civil case has been randomly assigned to United States Magistrate Judge _____ for all purposes including trial. In accordance with 28 U.S.C. § 636(c), the Magistrate Judges of this district court have been designated to conduct any and all proceedings in a civil case including a jury or nonjury trial and to order the entry of a final judgment, upon the consent of all parties. An appeal from a judgment entered by a Magistrate Judge may be taken directly to the United States Court of Appeals for the Ninth Circuit in the same manner as an appeal from any other judgment of a district court.

You have the right to have your case assigned to a United States District Judge for trial and disposition. If you wish to have the case reassigned at random to a United States District Judge, you or your attorney must return the Request For Reassignment To A United States District Judge (attached hereto as Exhibit A-1) to the Clerk of Court, United States District Court, 450 Golden Gate Avenue, San Francisco, California 94102 within 30 days after your first appearance, that is, 30 days after the complaint is filed, in the case of Plaintiff, or 30 days after an answer or motion to dismiss is filed, in the case of Defendant. Unless a party requests reassignment timely, the parties will be deemed to have consented to the trial and disposition of this case by the assigned United States Magistrate Judge.

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

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Plaintiff(s),

CIVIL NO.

v.

REQUEST FOR REASSIGNMENT
TO A UNITED STATES
DISTRICT JUDGE FOR TRIAL
AND DISPOSITION

Defendant(s).

_____ /

The undersigned party, who first appeared on _____
hereby DECLINES to consent to the assignment of this case to a
United States Magistrate Judge for trial and disposition and
hereby requests the reassignment of this case to a United States
District Judge.

Dated: _____

Signature

Counsel for

Address

NOTICE OF ASSIGNMENT OF CASE INVOLVING
A PRO SE PARTY TO A UNITED STATES
MAGISTRATE JUDGE FOR TRIAL

This civil case has been randomly assigned to United States Magistrate Judge _____ for all purposes including trial. In accordance with 28 U.S.C. § 636(c), the Magistrate Judges of this district court have been designated to conduct any and all proceedings in a civil case including a jury or nonjury trial and to order the entry of a final judgment, upon the consent of all parties. An appeal from a judgment entered by a Magistrate Judge may be taken directly to the United States Court of Appeals for the Ninth Circuit in the same manner as an appeal from any other judgment of a district court.

You have the right to have your case reassigned to a United States District Judge for trial and disposition. If you wish to have the case reassigned at random to a United States District Judge, you or your attorney must so indicate on the Consent to Assignment or Request for Reassignment form attached hereto as Exhibit B-1 and return it to the Clerk of Court, United States District Court, 450 Golden Gate Avenue, San Francisco, California 94102 within 30 days after your first appearance, that is, 30 days after the complaint is filed, in the case of Plaintiff, or 30 days after an answer or motion to dismiss is filed, in the case of Defendant. If you wish to proceed with the case before the Magistrate Judge as currently assigned you or your attorney must so indicate on the Consent to Assignment or Request for Reassignment form attached hereto as Exhibit B-1 and return it to the Clerk of Court, United States District Court, 450 Golden Gate

Avenue, San Francisco, California 94102 within 30 days after your first appearance, that is, 30 days after the complaint is filed, in the case of Plaintiff, or 30 days after an answer or motion to dismiss is filed, in the case of Defendant.

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

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

)	CASE NO.
)	
Plaintiff(s),)	
)	
v.)	CONSENT TO ASSIGNMENT OR
)	<u>REQUEST FOR REASSIGNMENT</u>
)	
Defendant(s).)	
)	

CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE

In accordance with the provisions of 28 U.S.C. Section 636(c), the undersigned party hereby consents to have a United States Magistrate Judge conduct any and all further proceedings in the case, including trial, and order the entry of a final judgment, and voluntarily waives the right to proceed before a United States District Judge.

Dated: _____
Signature _____
Counsel for _____

REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE
FOR TRIAL AND DISPOSITION

The undersigned party hereby declines to consent to the assignment of this case to a United States Magistrate Judge for trial and disposition and hereby requests the reassignment of this case to a United States District Judge.

Dated: _____
Signature _____
Counsel for _____