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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
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11 IN THE MATTER OF  
12 DIRECT ASSIGNMENT OF  
13 CIVIL CASES TO  
14 MAGISTRATE JUDGES

} GENERAL ORDER NO. 11-06  
(Supersedes General Order No. 08-09)

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16 1. **IT IS ORDERED** that all full-time magistrate judges who have  
17 completed thirty-six months of service with the Court and maintain their regular  
18 caseload at no more than 110% of the median caseload, as determined on a semi-  
19 annual basis, shall be included in the pool of judicial officers available for random  
20 selection as the assigned judge for all civil cases, except in those cases excluded  
21 below. A full-time magistrate judge maintaining his or her caseload at no more than  
22 110% of the median caseload, but without thirty-six months of service, may volunteer  
23 to be included in the pool of judicial officers available for random selection.

24 2. Except in the categories of cases described below, each eligible  
25 magistrate judge shall be randomly assigned two civil cases each month, and no  
26 district judge will be assigned to those cases, except as provided hereafter. A  
27 magistrate judge may volunteer to be assigned more than two cases each month.  
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2 3. Cases Excluded. The following categories of cases are excluded  
3 from direct assignment to magistrate judges: class actions, death penalty habeas  
4 corpus petitions, bankruptcy appeals or bankruptcy withdrawal of reference cases,  
5 cases referred to a magistrate judge for a Report and Recommendation under General  
6 Order 05-07 (as amended by General Order 06-01) or any successor General Order,  
7 and cases in which a request for a temporary restraining order or motion for  
8 preliminary injunction is presented when the action is initiated.

9 4. Clerk's Notice and Consent Form. When a case is randomly  
10 assigned to a magistrate judge, the Clerk shall provide a Notice and Consent Form to  
11 the plaintiff or removing party, who must serve the Notice and Consent Form on each  
12 party at the time of service of the summons and complaint or other initial pleading.  
13 The Notice shall instruct the parties, if they agree to a magistrate judge's exercise of  
14 jurisdiction over the case, to file a joint statement or separate statements of consent.  
15 A separate statement of consent must be filed by newly-added parties, setting forth  
16 such an election, in order for the magistrate judge to retain civil trial jurisdiction. The  
17 Notice shall advise the parties that they are free to withhold consent without adverse  
18 substantive consequences. The parties shall file the statement(s) of consent no later  
19 than the time provided in the Local Rules of this court.

20 5. Magistrate Judge Serves as Judge For All Purposes. The assigned  
21 magistrate judge initially shall be responsible for all case management and scheduling  
22 activities and shall decide all non-dispositive pretrial and discovery matters. If all  
23 parties consent in writing to the magistrate judge's exercise of civil trial jurisdiction,  
24 the case shall remain assigned to the magistrate judge for all purposes, including trial  
25 and entry of final judgment pursuant to 28 U.S.C. § 636(c) and Federal Rule of Civil  
26 Procedure 73. Appeal from a final judgment entered at a magistrate judge's direction  
27 may be taken to the court of appeals as would any other appeal from a district court  
28 judgment.

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2           6.     Reassignment of Case. A case initially assigned to a magistrate  
3 judge pursuant to this Order shall be randomly reassigned to a district judge if a party  
4 has not consented to the exercise of jurisdiction by the magistrate judge within the  
5 time required by the Local Rules. A magistrate judge shall be randomly assigned to  
6 the reassigned case as the discovery judge.

7           7.     If, prior to the statement(s) of consent being filed, a party files a  
8 motion or application that the magistrate judge determines is a motion for review  
9 under L.R. 72-2.1, the motion shall be determined by the Chief District Judge or shall  
10 be randomly assigned to a district judge for determination.

11           8.     If, prior to the statement(s) of consent being filed, a party files a  
12 motion or application that the magistrate judge concludes he or she lacks authority  
13 to rule upon, and, in the magistrate judge’s view, the motion or application may  
14 require immediate judicial attention, the motion or application shall be determined by  
15 the Chief District Judge or shall be randomly assigned to a district judge for  
16 determination.

17           9.     If, prior to the statement(s) of consent being filed, a magistrate  
18 judge has issued an order to show cause why the case should not be dismissed or  
19 remanded or why a default judgment should not be entered, and the time for response  
20 to the Order to Show Cause has expired, the determination of whether the case should  
21 be dismissed or remanded or a default should be entered shall be made by the Chief  
22 District Judge or the matter shall be randomly assigned to a district judge for  
23 resolution. If the district judge does not dismiss or remand the case or enter judgment  
24 by default, the case shall remain with the magistrate judge for further proceedings  
25 consistent with this General Order and the Local Rules.

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10. This General Order shall be effective upon filing by the Clerk. The program established by this General Order shall be reviewed two years after April 20, 2011.

IT IS SO ORDERED.



CHIEF UNITED STATES DISTRICT JUDGE

Date of Approval by the Court: June 22, 2011

Date of Filing by the Clerk: June 28, 2011