

FILED

OCT 17 1997

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

CLERK, U. S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY SR DEPUTY CLERK

IN RE: ) GENERAL ORDER NO. 345  
CONSENT TO JURISDICTION )  
BY U.S. MAGISTRATE JUDGE )  
\_\_\_\_\_ )

It appearing that the civil and criminal case dockets of the U.S. District Judges of this Court sitting in Fresno are extremely overcrowded; and it further appearing that such overcrowding is causing unnecessary delay in the disposition of civil cases, including cases brought by or on behalf of prisoner litigants and appeals of Social Security Disability Determinations. GOOD CAUSE APPEARING, the Judges of the Eastern District of California hereby adopt this General Order concerning the assignment of cases to U.S. Magistrate Judges.

Pursuant to this General Order all civil cases filed in or transferred to the Fresno court which are: 1) brought under 42 U.S.C. §§405(g), 1383(c)(3) and 1395ff seeking judicial review a final decision of the Commissioner of Social Security; or 2) brought by or a person in custody who is seeking habeas corpus relief (28 U.S.C. §§2241 et seq.), except cases involving the death penalty, or any relief authorized by 42 U.S.C. §§ 1981 et seq., shall be randomly assigned to a U.S. Magistrate Judge and no District Judge shall be assigned.

Following the assignment of a U.S. Magistrate Judge, forms of consent pursuant to 28 U.S.C. §636(c), for each party, shall be stamped with a case number and served by the clerk on the plaintiff or petitioner and all parties who have appeared, the remaining forms shall be served at the same time and in the same manner as summons and complaint. Each party shall be required to notify the clerk of court in writing whether or not they consent

to the jurisdiction of the U.S. Magistrate Judge for all purposes pursuant to 28 U.S.C. §636(c), using the forms supplied by the clerk. Each party must file the completed form indicating whether they consent to the jurisdiction of the Magistrate Judge with the court, not later than 20 days after entry of appearance.

If all parties consent, the case will remain with the assigned magistrate judge, pursuant to 28 U.S.C. §636(c).

If any party chooses not to consent, the case will be randomly assigned to a U.S. District Court Judge. The case will remain with the previously assigned U.S. Magistrate Judge who will manage the progress of the action and rule on all non-dispositive motions pursuant to 28 U.S.C. §636(b)(1)(A) and all dispositive motions by findings and recommendations pursuant to 28 U.S.C. §636(b)(1)(B) in accordance with Local Rule 72-304(c)(15) and (17).

IT IS SO ORDERED.

Dated: 10/17/97

FOR THE COURT:

  
WILLIAM B. SHUBB, Chief Judge  
Eastern District of California