

**FILED**

JUL 28 1997

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
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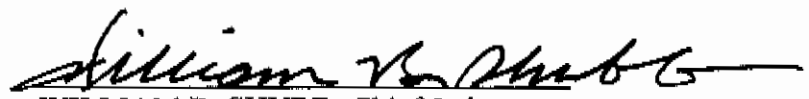
RE: )  
 )  
ADOPTION OF AMENDMENT )  
TO LOCAL RULE 72-302 )  
 )  
 )  
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GENERAL ORDER NO. 342

The Judges of the Eastern District of California having voted to adopt the attached amendments to Local Rule 72-302, IT IS HEREBY ORDERED that the attached amendments to Local Rule 72-302 are **effective August 1, 1997**. It is the intent of the Court that section (c)(21) of Local Rule 72-302 apply only to cases filed on or after August 1, 1997.

Dated: July 28, 1997.

FOR THE COURT:

  
WILLIAM B. SHUBB, Chief Judge  
Eastern District of California

## RULE 72-302

### DUTIES TO BE PERFORMED BY MAGISTRATE JUDGES

(a) **General.** It is the intent of this Rule that Magistrate Judges perform all duties permitted by 28 U.S.C. § 636(a), (b)(1)(A), or other law where the standard of review of the Magistrate Judge's decision is clearly erroneous or contrary to law. Specific duties are enumerated in subsection (b) and (c) of the Rule; however, those described duties are not to be considered a limitation of this general grant.

Magistrate Judges will perform the duties described in 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 53 upon specific designation of a District Judge or by designation in subsections (b) and (c) of this Rule.

(b)....

(c) **Duties to Be Performed in Civil Matters by a Magistrate Judge Pursuant to 28 U.S.C. § 636(a), (b)(1)(A), (b)(1)(B), (b)(3), or Other Law.**

(1).... All discovery motions, including Fed. R. Civ. P. 37 motions;

(2) Supervision of proceedings conducted pursuant to letters rogatory or letters of request;

(3) All pretrial motions and applications pursuant to the Supplemental Rules for Certain Admiralty and Maritime Cases, except a motion for injunctive relief, for judgment on the pleadings, for summary judgment, to dismiss for failure to state a claim upon which relief can be granted, and to dismiss an action involuntarily;

(4) Review of petitions in civil commitment proceedings under Title III of the Narcotic Addict Rehabilitation Act;

(5) Proceedings under 46 U.S.C. §§ 2302, 4311(d) and 12309(c);

(6) All motions for specific leave of court for the making of deposits into the registry of the Court, and all motions for orders providing for special placement of deposits. L.R. 67-150;

(7) All motions and applications brought pursuant to the Federal Debt Collections Procedures Act of 1990, 28 U.S.C. §§ 3001 et seq.;

(8) Applications for writs of entry in connection with the enforcement of Internal Revenue Service tax liens;

(9) Petitions to enforce Internal Revenue Service summonses filed pursuant to 26 U.S.C. §§ 7402(b) and 7604(a);

(10) Petitions to quash administrative summonses filed pursuant to 26 U.S.C. § 7609(b)(2);

(11) Examinations of judgment debtors in accordance with Fed. R. Civ. P. 69;

(12) Settlement conferences as may be calendared;

(13) In Fresno, all pretrial scheduling conferences and the final pretrial conference;

(14) All applications for interim disbursement under L.R. 17-202(f);

(15) Cases brought under 42 U.S.C. §§ 405(g), 1383(c)(3) and 1395ff to review a final decision of the Secretary of Health and Human Services, including dispositive and non-dispositive motions and matters;

(16) Cases involving federally insured student loans, 20 U.S.C. §§ 1071-87, including dispositive and non-dispositive motions and matters;

(17) Cases brought by a person in custody who is seeking habeas corpus relief, 28 U.S.C. §§ 2241 et seq., or any relief authorized by 42 U.S.C. § 1981 et seq., including dispositive and non-dispositive motions and matters;

(18) Upon specific designation of a Judge, jury verdicts in civil cases;

(19) Motions for entry of default judgment under Fed. R. Civ. P. 55(b)(2).

(20) Enforcement of Rule 16-271 as provided in Rule 16-271(i);

(21) In Sacramento, all cases in which all the plaintiffs or defendants are proceeding in propria persona, also referred to as pro se, including dispositive and non-dispositive motions and matters. Cases initially assigned to a Magistrate Judge under this paragraph shall remain assigned to the Magistrate Judge even if a party appearing in propria persona (pro se) is later represented by an attorney appearing in accordance with Rule 83-180.

(d) ....