

FILED

JAN 13 2020

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

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS OFFICE

IN RE:)
CASE ASSIGNMENTS IN CIVIL CASES) **Administrative Order No. 257**
)
)

AMENDED ADMINISTRATIVE ORDER

The redistribution of civil cases among the judges of the United States District Court for the Southern District of Illinois is necessary in light of two district judge vacancies, and in accordance with the recommendations of the Judicial Conference regarding magistrate judge utilization in this district. The parties and counsel should note that if a case is transferred on consent to a magistrate judge, major criminal cases will not interfere with its scheduling and progress. This means that it is likely pending motions and the entire civil case will be resolved sooner and at less expense to the parties if a magistrate judge decides the case.

Beginning November 18, 2019, and through January 12, 2020, all parties in the pending civil cases selected for potential reassignment on the dockets of the Southern District of Illinois's three district judges will be sent an order and Notice and Consent to Proceed Before a Magistrate Judge Jurisdiction form regarding consenting to the jurisdiction of one of the district's three magistrate judges. Within 21 days, all parties are **required** to file the completed form indicating their *consent* or *non-consent* to the jurisdiction of a magistrate judge in their case conducting any and all proceedings, including trial and entry of final judgment in accordance with 28 U.S.C. § 636(c). Upon the consent of all parties in a case, and with the approval of the presiding district judge, the case and jurisdiction will be transferred to the magistrate judge currently assigned to the case. If a magistrate is not currently assigned to the case, the case will be randomly assigned to one of the district's three magistrate judges. In the event all parties do not consent to the magistrate judge's jurisdiction, any existing automatic referral of pretrial motions will cease, and all motions will be the prerogative of the district judge. At the district judge's discretion, a motion or matter may be specifically referred to a magistrate judge or a special master in accordance with 28 U.S.C. § 636(b)(1-3) and Federal Rule of Civil Procedure 53.

Currently pending civil cases not selected for potential reassignment at this time will receive an order reflecting the termination of any referral to a magistrate judge, meaning that all pending and new matters will be handled by the presiding district judge. At the district judge's discretion, a motion or matter may be specifically referred to the previously assigned magistrate judge or a special master in accordance with 28 U.S.C.

§ 636(b)(1-3) and Federal Rule of Civil Procedure 53. Only in rare circumstances, and at the discretion of the presiding district judge, will subsequent consents by all parties to the jurisdiction of a magistrate judge be accepted.

Effective January 13, 2020, the district's magistrate judges will be assigned to newly filed non-prisoner civil cases in a manner consistent with 28 U.S.C. § 636. Upon entry into a case, each party will be sent a Notice and Consent to Proceed Before a Magistrate Judge Jurisdiction form regarding consenting to the jurisdiction of one of the district's three magistrate judges. Each party will be given 21 days to file the completed form indicating *consent* or *non-consent* to the jurisdiction of the assigned magistrate judge conducting any and all proceedings, including trial and entry of final judgment in accordance with 28 U.S.C. § 636(c). Upon the consent of all parties in a case, the case and jurisdiction will remain with the magistrate judge currently assigned to the case. If all parties do not consent to the magistrate judge's jurisdiction, the case will be randomly assigned to a district judge for all further proceedings. At the district judge's discretion, a motion or matter may be specifically referred to the previously assigned magistrate judge or a special master in accordance with 28 U.S.C. § 636(b)(1-3) and Federal Rule of Civil Procedure 53. Subsequent consents by all parties to the jurisdiction of a magistrate judge will not be accepted.

Effective January 13, 2020, a district judge will be assigned to any newly filed prisoner civil rights case. Each party will be sent a Notice and Consent to Proceed Before a Magistrate Judge Jurisdiction form regarding consenting to the jurisdiction of one of the district's three magistrate judges, with applicable deadlines. If all parties consent to the magistrate judge's jurisdiction, the case will be randomly assigned to a magistrate judge for all further proceedings consistent with 28 U.S.C. § 636(c). If a party declines to consent, the case will remain with the presiding district judge. At the district judge's discretion, a motion or matter may be specifically referred to the previously assigned magistrate judge or a special master in accordance with 28 U.S.C. § 636(b)(1-3) and Federal Rule of Civil Procedure 53. Subsequent consents by all parties to the jurisdiction of a magistrate judge will not be accepted.

Please consult the Court's brochure for more information about the benefits of consenting, the process, and an introduction to the district's three magistrate judges. <https://www.ilsd.uscourts.gov/documents/ConsentToAMagistrateJudge.pdf>

IT IS SO ORDERED.

DATED: January 13, 2020



NANCY J. ROSENSTENGEL
Chief U.S. District Judge