

Rule 40 - 2.08. Assignments of Actions and Matters.

(A) Assignment of Civil Actions.

Unless otherwise ordered by the Court, the Clerk shall assign each civil action to a district judge or a magistrate judge by automated random selection, except that when preliminary injunctive relief is requested by motion, the Clerk shall assign the action to a district judge. In the event the action is assigned to a magistrate judge, each party shall execute and file within 21 days of its appearance either a written consent to the exercise of authority by the magistrate judge under 28 U.S.C. § 636(c), or a written election to have the action reassigned to a district judge. Each party shall indicate its consent or election on a form provided by the Court, which shall be submitted only in paper form. Consent to a magistrate judge's authority does not constitute a waiver of any jurisdictional defense unrelated to the grant of authority under 28 U.S.C. § 636(c).

(B) Assignment of Criminal Actions.

Unless otherwise ordered by the Court, the Clerk shall assign each grand jury indictment and each felony information to a district judge by automated random selection. Each case proceeding by felony indictment shall be referred to a magistrate judge by automated random selection for a ruling or recommendation on all pretrial motions. Unless otherwise ordered by the Court, the Clerk initially shall assign each misdemeanor information to a magistrate judge by automated random selection.

(C) Assignment of Miscellaneous Matters.

Unless otherwise ordered by the Court, miscellaneous matters shall be assigned to a district judge or a magistrate judge by automated random selection, except that, as appropriate,

miscellaneous matters brought by the government for expedited ex parte consideration shall be presented to the district judge or magistrate judge to whom miscellaneous duty is then assigned.

(D) Judge's Initials to Appear in Cause Number.

The cause number for each case shall include the initials of the assigned judge. In the event a case is reassigned to a different judge, the cause number shall be modified to include the new judge's initials.

(E) Clerk to Enter Magistrate Judge Referrals and Designations on the Record.

For each civil action, criminal action and miscellaneous matter assigned to a magistrate judge pursuant to this rule, the Clerk is directed to enter on the public record a designation by the Court stating that the assigned or referred magistrate judge is authorized to exercise, as appropriate, full authority under 28 U.S.C. § 636 and 18 U.S.C. § 3401.

(Amended July 10, 2006; effective August 28, 2006)

(Amended November 21, 2008 by adding paragraph (E); effective January 1, 2009)

(Amended September 8, 2009; effective December 1, 2009)