

GENERAL ORDER NO. 42

LIMITATIONS ON REFERRALS OF MATTERS TO MAGISTRATE JUDGES

It is the policy of the court to promote the efficient utilization of magistrate judges and to avoid the unnecessary duplication of judicial action. Good cause appearing,

IT IS HEREBY ORDERED that the following matters shall not be referred to a magistrate judge:

1. Civil pretrial matters that are dispositive of a claim or defense and require a de novo review by a district judge under Rule 72(b), F.R.Civ.P. unless: (a) the parties consent to final disposition of the matter by a magistrate judge pursuant to Rule 73, F.R.Civ.P.; or (b) the matter requires an evidentiary hearing which can be conducted by a magistrate judge without being repeated before a district judge. Case dispositive matters include motions for summary judgment, for judgment on the pleadings, for injunctive relief, to dismiss for failure to state a claim upon which relief can be granted, to dismiss or permit maintenance of a class action, and to involuntarily dismiss an action. See 28 U.S.C. § 636(b)(1)(A);
2. Prisoner petitions and habeas corpus cases unless: (a) the parties consent to final disposition of the matter by a magistrate judge pursuant to Rule 73, F.R.Civ.P.; or (b) the matter is not a capital habeas case and requires an evidentiary hearing which can be conducted by a magistrate judge without being repeated before a district judge;
3. Case dispositive matters in criminal felony cases including motions to dismiss an indictment or information made by a defendant or to suppress evidence;
4. Acceptance of guilty pleas of a defendant in a criminal felony case pursuant to Rule 11, F.R.Crim.P. unless there are exceptional circumstances that warrant referral; and
5. Claim Construction hearings and determinations in patent infringement cases pursuant to Patent Local Rule 4-6, unless the parties consent to disposition by a magistrate judge pursuant to Rule 73, F.R.Civ.P.

Exceptions to this Order in individual cases or in emergency circumstances may be granted by the Executive Committee.

ADOPTED: January 23, 1996
AMENDED: January 16, 2001

For the Court:

/S/ Marilyn Hall Patel
MARILYN HALL PATEL
Chief Judge

