

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

FILED  
U.S. DISTRICT COURT  
MIDDLE DISTRICT OF LA.  
1986 FEB 14 01 4: 11  
CLERK OF COURT

GENERAL ORDER

NUMBER 57

PROCEDURES TO BE FOLLOWED BY UNITED STATES MAGISTRATES

The following rules shall be observed by all United States Magistrates in the course of conducting the court's business.

**A. Habeas Corpus Matters**

1. The magistrate shall, within two working days after reference, review the application for proper venue and failure to exhaust state court remedies and shall make appropriate recommendations to the judge.

2. The magistrate shall, within two working days after reference, issue the order directing the state authorities to answer and file within thirty days a memorandum and the entire state court record, including all post-conviction petitions filed.

3. The magistrate shall, within ten days of the filing of the answer, memorandum and the state court record, determine whether an evidentiary hearing is required and, if so, shall appoint counsel and schedule the hearing within thirty days after filing of the state court record.

4. If no evidentiary hearing is required, the magistrate shall order the filing of additional briefs or memoranda of law, if deemed necessary. No more than thirty days shall be allowed for briefs.

5. The magistrate shall, within thirty days of the answer, memorandum and state court record being filed or within thirty days of the conclusion of the evidentiary hearing, submit a written report and recommendation to the judge. In cases where the parties have consented to trial before the magistrate, the magistrate shall submit written findings of fact and conclusions of law within the thirty day period.

6. The magistrate shall, within five days after the conclusion of each calendar month, submit a written report to the chief judge of this district listing each habeas matter pending by reference or consent and for each case shall set forth: (a) its present status; (b) the activity conducted during the preceding month; (c) the next scheduled activity; and (d) the specific plan for final termination of that matter.

7. No habeas matter shall remain pending for more than six months in this district.

**B. Social Security Cases**

1. The magistrate shall, within two working days of reference, issue an order requiring cross motions

for summary judgment, the administrative record and memoranda to be filed within 120 days.

2. The magistrate shall, within sixty days of submission, issue a written report and recommendation to the judge.

3. The magistrate shall, within five days after the conclusion of each calendar month, submit a written report to the chief judge of this district listing each social security matter pending and for each case shall set forth: (a) its present status; (b) the activity conducted during the preceding month; (c) the next scheduled activity; and (d) the plan for its final termination.

4. No social security matter shall remain pending for more than six months.

#### **C. Pro Se Inmate Cases**

1. All pro se prisoner cases shall, under this order of the court, automatically be referred to the full time magistrate, except those which the judges of the court may specially refer to the part-time magistrate.

2. The clerk of court shall immediately deliver each record to the magistrate.

3. The magistrate shall, within five working days of receipt of the record, with the assistance of the

pro se clerk, conduct a review of the matter to determine whether it is frivolous and, if so, shall make a recommendation for dismissal to the judge.

4. On matters that are determined not to be frivolous, the magistrate shall, within five working days of receipt of the record, issue the necessary forma pauperis and administrative procedure orders.

5. The magistrate shall, within fifteen days after the administrative procedure report is filed, issue an appropriate order to reinstate the case on the court's docket or a recommendation to the judge that it be dismissed. If the case is reinstated, the magistrate shall issue orders to have the defendants served and where appropriate order motions for summary judgment to be filed.

6. In any case not deemed appropriate for summary judgment the magistrate shall, within fifteen days after reopening the matter, issue a scheduling order fixing discovery and other timetables, including a date for filing written pretrial orders, a date for a final pretrial conference (which may be conducted by telephone or cable television in appropriate cases), and shall fix a trial date in cases where the parties have consented to trial before the magistrate.

7. The magistrate shall conduct all pretrial proceedings, including the final pretrial conference, as scheduled by the scheduling order.

8. The magistrate shall notice all motions on a motion docket as required by the local rules of this court.

9. All non-dispositive motions shall be decided within fifteen days after the date for submission.

10. The magistrate shall, within thirty days after submission, issue a written report and recommendation to the judge on all dispositive motions.

11. The magistrate shall by the fifteenth day of each month, submit to each judge a listing of inmate cases assigned to that judge in which a final pretrial conference is scheduled during the next month, in order that the judge may give the magistrate dates on which the cases may be set for trial before the judge.

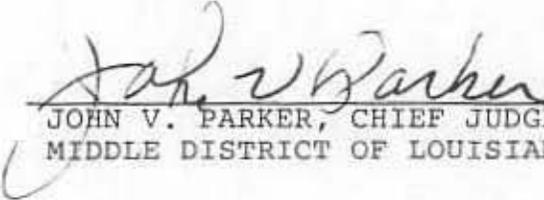
12. The magistrate shall decide all consent cases promptly after trial.

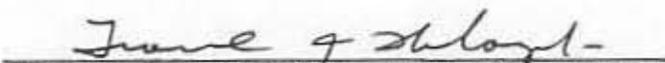
13. The magistrate shall submit, within five days after the conclusion of each month, a listing of all activity conducted during that month on pro se prisoner cases specifically including (a) magistrate's reports filed with judges by the magistrate (as compared to pro se clerk); (b) non-dispositive motions ruled on; (c)

other dispositive motions in consent cases ruled on;  
(d) trials conducted; (e) motions under advisement; (f)  
cases under advisement; and (g) listing of pending  
motions.

SO ORDERED.

Baton Rouge, Louisiana, this 14 day of February, 1986.

  
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JOHN V. PARKER, CHIEF JUDGE  
MIDDLE DISTRICT OF LOUISIANA

  
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FRANK J. POLOZOLA, DISTRICT JUDGE  
MIDDLE DISTRICT OF LOUISIANA

cc District Judge  
Magistrate Ila  
2/14/86 TD