

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

IN RE:

GENERAL ORDER

CONSENT TO MAGISTRATE JUDGES

NO. 2024-2

ORDER

The judges of the United States District Court for the Middle District of Louisiana have approved new procedures to facilitate the random assignment of civil cases to United States magistrate judges pursuant to 28 U.S.C. § 636(c) and Rule 73 of the Federal Rules of Civil Procedure.

The public, the parties to civil litigation, and the Court are well served by assignment to magistrate judges of all appropriate cases. The Court is mindful, however, that such a reference should only be made in a case if all parties knowingly and voluntarily consent. All procedures adopted pursuant to this Order, therefore, shall be interpreted and applied in a manner consistent with this limitation.

Middle District of Louisiana magistrate judges are fully designated to exercise all powers and jurisdiction and to perform the duties prescribed in 28 U.S.C. § 636(c) to the fullest extent. Effective as of March 4, 2024, civil cases, as further defined herein, can be assigned to either a district judge or a magistrate judge.

Consent to a magistrate judge is voluntary. When a case is randomly assigned to a magistrate judge and designated as a consent case, all parties will be provided with a Notice of Assignment to a U.S. Magistrate Judge and Declination of Consent Form. Any party may confidentially decline consent by signing and returning the form to the Court

within the allotted time. If a party declines consent, the identity of the party declining consent will not be communicated to any judge, and the Clerk will immediately reassign the case to a district judge by random selection. Any party is free to withhold consent without any adverse substantive consequences.

If a party does not sign and return the Notice of Assignment to a U.S. Magistrate Judge and Declination of Consent Form, such that it is received by the Clerk of Court by the date designated in the Notice, that party is deemed to have knowingly and voluntarily consented to proceed before the magistrate judge pursuant to 28 U.S.C. § 636(c) and Rule 73 of the Federal Rules of Civil Procedure.

The procedures for direct assignment to magistrate judges shall be applied to the following case types, which are filed on or after March 4, 2024:

Social Security Appeals. The Clerk shall randomly and directly assign to a magistrate judge all cases in which the plaintiff seeks review, pursuant to 42 U.S.C. § 405(g), of a decision by the Commissioner of Social Security, Nature of Suit Nos. 861-865 (“Social Security Cases”).

Other Civil Cases. This section relates to all civil cases filed in this Court with the following exceptions: Social Security Cases, other than appeals; cases filed by persons in state or federal custody, or on their behalf, either challenging a conviction or sentence, pursuant to 28 U.S.C. § 2254 or 28 U.S.C. § 2255, or challenging conditions of confinement or asserting other claims pursuant to 28 U.S.C. § 1983, or other federal civil rights causes of action (“Prisoner Cases”); cases seeking immediate injunctive relief; and bankruptcy cases involving appeals from orders by the Bankruptcy Judge or Petitions for Withdrawal of Reference. The Clerk shall randomly assign a percentage of

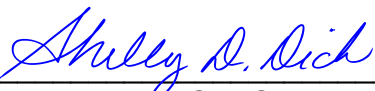
other civil cases (those not excluded above), upon filing, to U.S. magistrate judges on an equal basis.

In all cases initially assigned to a district judge, the parties shall nevertheless be afforded an opportunity to consent to having the case heard by a magistrate judge pursuant to 28 U.S.C. § 636, Rule 73 of the Federal Rules of Civil Procedure, and Local Civil Rule 73. This same procedure shall be utilized in those cases initially assigned to a magistrate judge but reassigned to a district judge after declination of consent. Should the parties later consent, the Clerk shall reassign the case back to the magistrate judge initially assigned.

IT IS SO ORDERED.

Signed in Baton Rouge, Louisiana, March 1, 2024.

FOR THE EN BANC COURT:



SHELLY D. DICK, CHIEF JUDGE
MIDDLE DISTRICT OF LOUISIANA