

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

In Re: Assignment of Civil Cases and Amending
Local Civil Rule 73.1

General Order No. 457

(Supersedes and replaces General Order
324)

In accordance with 28 U.S.C. § 636(c)(1), the decision in *Williams v. King*, 875 F.3d 500 (9th Cir. 2017), and the decision in *Washington v. Kijakazi*, 72 F.4th 1029 (9th Cir. 2023), IT IS HEREBY ORDERED that (1) all habeas corpus cases filed under 28 U.S.C. §§ 2241-2254 will be randomly assigned to the United States Magistrate Judges; (2) all non-habeas corpus prisoner and in forma pauperis civil cases will be randomly assigned to the United States District Judges, with the District Judge to function as a screening judge in each prisoner case or in forma pauperis case; and (3) all non-habeas corpus, non-prisoner, non-in forma pauperis civil cases will be randomly assigned among the Magistrate Judges and District Judges, on a proportionate basis as determined by the District Judges, giving due consideration to the existing caseload. This Order supersedes and replaces General Order 324.

IT IS FURTHER ORDERED that, if any claim in a non-habeas corpus prisoner or in forma pauperis civil case remains pending after the screening judge has completed an initial review of a complaint (or a successive review of an amended complaint, if applicable), the case will be returned to the Clerk of Court for random civil case assignment to a Magistrate Judge or a District Judge, on a proportionate basis as determined by the District Judges, giving due consideration to the existing caseload.

IT IS FURTHER ORDERED that, upon consent of all the parties, the Magistrate Judge is designated to exercise jurisdiction to conduct all proceedings and to order the entry of final judgment in civil cases. “Consent of all the parties” means either (1) all named parties have consented to the jurisdiction of a United States Magistrate Judge to enter final orders; or (2) the parties remaining, if the screening judge has dismissed certain parties, have consented to the jurisdiction of a United States Magistrate Judge to enter final orders. The consent process is outlined in the Notice of Assignment to a United States Magistrate Judge and Declination of Consent Form and the Notice of Availability of a United States Magistrate Judge and Consent Form attached to this Order.

IT IS FURTHER ORDERED that Civil Local Rule 73.1 will be amended in pertinent part to reflect the above orders as follows:

- (a) **Notice.** The Clerk of Court will notify the parties in all civil cases that they may consent to have a Magistrate Judge conduct all proceedings in the case and order the entry of a final judgment, as follows:

1. Habeas corpus cases: At the time the action is conditionally filed, the Clerk of Court will send a Notice of Assignment to a United States Magistrate Judge and Declination of Consent Form (“Notice of Assignment”) to the petitioner and to the Idaho Attorney General, or such other attorney as may be appropriate, on behalf of all named respondents.
2. Non-habeas corpus prisoner and in forma pauperis civil cases: The Clerk of Court will send either a Notice of Assignment or a Notice of Availability of a United States Magistrate Judge and Consent Form (“Notice of Availability”) to each party remaining after the screening order is completed and a presiding judge is designated for the case.
3. All other civil cases: The Clerk of Court will send either a Notice of Assignment or a Notice of Availability to each party.
4. If parties are added to the case after all existing parties have consented to proceed before a Magistrate Judge, the Clerk of Court will send a Notice of Assignment to each new party upon appearance of the party added.

(b) Return of Consent and Declination of Consent Forms, Voluntariness, and Confidentiality.

1. Consent Forms: When a case is initially assigned to a District Judge, any party, or any attorney on behalf of a party, consenting to proceed before a United States Magistrate Judge must return the signed consent form to the Clerk of Court by e-mailing it in .pdf format to the following address: consents@id.uscourts.gov (or by mail if a pro se litigant does not have electronic mail capabilities). The Clerk of Court will keep custody of all consent forms under seal until it is determined whether all parties have consented to proceed before a Magistrate Judge. If not all parties consent, any consent forms emailed to the Clerk of Court will remain sealed, and the case will remain with a District Judge. If all parties consent, the Clerk of Court will file and docket the consent forms, and the case will be reassigned to a Magistrate Judge. Parties are free to withhold their consent without adverse consequences, and the Clerk of Court will take reasonable steps to ensure confidentiality of consents.
2. Declination of Consent Forms: When a case is initially assigned to a Magistrate Judge, each party will be deemed to have knowingly and voluntarily consented to proceed before the assigned Magistrate Judge

UNLESS a party emailed a declination of consent form to the Clerk of Court. Any party, or any attorney on behalf of a party, declining consent to proceed before a United States Magistrate Judge must return the signed declination of consent form to the Clerk of Court by e-mailing it in .pdf format to the following address: consents@id.uscourts.gov (or by mail if a pro se litigant does not have electronic mail capabilities). If any party emails a declination of consent form to the Clerk of Court, the form will remain sealed, and the Clerk of Court will reassign the case to a District Judge. Parties are free to email a declination of consent form without adverse consequences, and the Clerk of Court will take reasonable steps to ensure confidentiality.

IT IS FURTHER ORDERED that, in cases initially assigned to a District Judge, if all parties do not return the consent forms within 30 days after the forms were sent by the Clerk of Court, unless another deadline is set by the Court, the case will remain with a District Judge.

IT IS FURTHER ORDERED that, in cases initially assigned to a Magistrate Judge, if no party emails a declination of consent form to the Clerk of Court within 30 days after the forms were sent by the Clerk of Court, the case will remain with a Magistrate Judge. If any party emails a declination of consent form to the Clerk of Court, the case will be reassigned to a District Judge.

IT IS FURTHER ORDERED that this Order does not affect a party's right to have a District Judge preside over the action, nor does it prevent a District Judge from referring any civil or criminal matter to a Magistrate Judge for further proceedings in accordance with 28 U.S.C. § 636(a) or (b).

IT IS FURTHER ORDERED that a similar, but separate General Order, will govern the process and deadlines for consenting to Magistrate Judge jurisdiction in all Social Security cases.

This General Order was effective January 1, 2025, will supersede General Order 324, and will amend Local Civil Rule 73.1.

DATED: January 6, 2025



David C. Nye
Chief United States District Judge



Raymond E. Patricco
Chief United States Magistrate Judge

**UNITED STATES DISTRICT COURT
DISTRICT OF IDAHO**

Plaintiff,

vs.

Defendant,

**NOTICE OF ASSIGNMENT TO A
UNITED STATES MAGISTRATE
JUDGE AND DECLINATION OF
CONSENT FORM**

In accordance with District of Idaho General Order No.457, you are notified that the above-entitled action has been assigned to a United States Magistrate Judge to conduct all proceedings in this case, including trial and entry of final judgment. You have the right to have a United States District Judge hear your case. Exercise of jurisdiction by a United States Magistrate Judge is permitted only if all parties consent to Magistrate Judge jurisdiction. Consenting to Magistrate Judge jurisdiction means that you waive the right to have a United States District Judge hear your case, and that a United States Magistrate Judge will take the place of a United States District Judge in all respects. No United States District Judge will supervise or review the work of the Magistrate Judge.

Consent to a Magistrate Judge is voluntary. You will be deemed to have knowingly and voluntarily consented to proceed before the assigned Magistrate Judge **UNLESS** you email a declination of consent form to the Clerk of Court, a copy of which is part of this notice. No Judge will be informed of a party's response to this notification, and all declination of consent forms will be kept under seal. All parties are requested to return the form within 30 days of the date this notice was filed if they wish to decline consent to Magistrate Judge jurisdiction. Thus, the declination of consent form is due on or before [Insert date here]. Any party declining to proceed before a United States Magistrate Judge must sign the declination of consent form and return it to the Clerk of Court by e-mailing the same in .pdf format to the following address: consents@id.uscourts.gov. If you are a pro se litigant, you must mail this form to the following address: U.S. District Court, 550 W. Fort St. Room 400, Boise, ID 83724.

If no party timely emails a declination of consent form to the Clerk of Court, the case will remain with the assigned United States Magistrate Judge. The parties should be aware that if any party emails a declination of consent form to the Clerk of Court, the case may be reassigned to a United States District Judge visiting from another District.

An appeal from a judgment entered by a United States Magistrate Judge will be directly to the United States Court of Appeals for the Ninth Circuit in the same manner as an appeal from any other judgment of this District Court. 28 U.S.C. § 636(c); Fed.R.Civ.P. 73.

DECLINATION OF CONSENT TO THE EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE

Declination: In accordance with provisions of 28 U.S.C. § 636(c), Fed. R. Civ. P. 73, and District of Idaho General Order No. 457, the undersigned party to this case declines consent to have a United States Magistrate Judge conduct all proceedings in this case.

Party Represented

Signature of Party or Attorney

Date

**UNITED STATES DISTRICT COURT
DISTRICT OF IDAHO
(For Cases Initially Assigned to a District Judge)**

Plaintiff,

vs.

Defendant,

**NOTICE OF AVAILABILITY OF A
UNITED STATES MAGISTRATE
JUDGE AND CONSENT FORM**

In accordance with 28 U.S.C. § 636(c), Fed. R. Civ. P. 73, and District of Idaho General Order No. 457, you are notified that a United States Magistrate Judge of this District Court is available to exercise the Court's jurisdiction and to conduct all proceedings in this case, including a jury or non-jury trial, and entry of a final judgment. Exercise of this jurisdiction by a United States Magistrate Judge is available only if all parties email a written consent to the Clerk of Court, a copy of which is included in this notice.

To ensure the efficient handling of this case, counsel who desire to consent to the assignment of this case to a Magistrate Judge must return the form within 30 days of the date this notice was filed to the Clerk of Court in .pdf format to consents@id.uscourts.gov. Thus, the consent form is due on or before [Insert date here]. The parties also may file a joint consent, similar to a stipulation, before or after this notice was filed. If you are a pro se litigant, you must mail this form to the following address: U.S. District Court, 550 W. Fort St. Room 400, Boise, ID 83724. The Clerk of Court will take reasonable steps to ensure voluntariness and confidentiality of the consent process. Any party may, without adverse substantive consequences, withhold consent, which will require that a District Judge enter all final orders in the case. The Clerk of Court will keep custody of all consent forms under seal until it is determined whether all parties have consented to proceed before a Magistrate Judge. If not all parties consent, any consent forms emailed to the Clerk of Court will remain sealed. If consents are not received from all parties, the case will remain with a District Judge, although it may be reassigned to another District Judge, including District Judges visiting from another District. If all parties consent to have the case reassigned to a Magistrate Judge after the Rule 16.1 scheduling conference, the District Judge may decide not to permit reassignment if it would not be an appropriate use of judicial resources.

An appeal from a judgment entered by a United States Magistrate Judge will be directly to the United States Court of Appeals for the Ninth Circuit in the same manner as an appeal from any other judgment of this District Court. 28 U.S.C. § 636(c); Fed.R.Civ.P. 73.

**CONSENT TO THE EXERCISE OF JURISDICTION BY A UNITED STATES
MAGISTRATE JUDGE**

Consent: In accordance with provisions of 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73, and District of Idaho General Order No. 457, the undersigned party to this case consents to have a United States Magistrate Judge conduct any and all proceedings in this case, including the trial, and order the entry of a final judgment.

Party Represented

Signature of Party or Attorney

Date

THE CONSENT PROCESS: WHAT IS IT?

In accordance with 28 U.S.C. § 636(c), FRCP 73, and Local Rule 73.1, a Magistrate Judge is available to preside over all aspects of this case, including the jurisdictional authority to:

- Schedule, hear, and decide all dispositive and non-dispositive matters;
- Schedule, hear, and decide all interlocutory matters;
- Conduct jury or non-jury trials;
- Enter final orders and judgment; and
- Decide all post-trial motions.

Appeals from any final order or judgment entered by a Magistrate Judge are directly to the United States Court of Appeals for the Ninth Circuit. See 28 U.S.C. § 636(c)(3); Fed. R. Civ. P. 73(c). However, a Magistrate Judge's exercise of this jurisdiction is permitted only if all parties voluntarily consent.

How Does It Benefit Me?

Speedy trial rights in felony criminal cases require the District Judges in the District to give priority to trying those cases, sometimes requiring that civil trial dates be moved. Magistrate Judges do not preside over felony criminal trials. As a result, a Magistrate Judge's trial docket is generally less crowded than those of the District Judges.

Magistrate Judges usually are able to provide earlier and firmer dates for both hearings and trials than might otherwise be possible by a District Judge. Because this District is very busy and the criminal docket is growing rapidly, consenting to proceed before a Magistrate Judge often means your civil case will be resolved more quickly than if before a District Judge.

Additionally, even if parties do not consent, the District Judge to whom the matter is assigned may nonetheless refer all pre-trial proceedings to a Magistrate Judge pursuant to 28 U.S.C. § 636(b), FRCP 73, and Local Rule 72.1. For any dispositive matters so referred, the Magistrate Judge will enter a Report and Recommendation for the District Judge's consideration. At that point, the review process by a District Judge generally takes 60 days. Thus, by consenting to Magistrate Judge jurisdiction at the outset, the parties also can avoid the delays and expense of this review process, while still preserving their appeal rights.

How Do I Consent?

When your case is initially assigned to a District Judge, after the case is filed, the Clerk of the Court will send the appropriate notice and consent form as provided by the General Order. The consent form affords each party an initial opportunity to consent to having a Magistrate Judge assume complete jurisdiction over the case, including trial and entry of judgment. Each party should make a decision whether to consent to or decline Magistrate Judge jurisdiction as soon as possible. The parties may also file a joint consent, similar to a stipulation, at any time.

You may, without adverse substantive consequences, withhold your consent, which would preclude Magistrate Judge jurisdiction. If any party withholds consent, the identity of the parties consenting and/or withholding consent will not be communicated to any Judge.

1. This insert is for information purposes only and is not intended to supersede the applicable rules, including General Order No. 457, addressing the consent process.