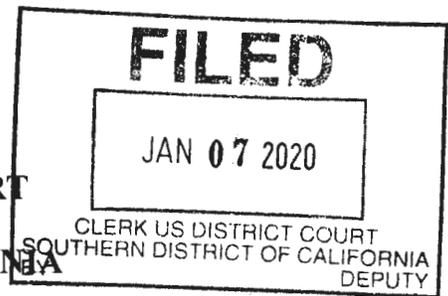


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA



In the matter of )  
 )  
PROPOSED LOCAL RULE )  
CHANGES )  
\_\_\_\_\_ )

General Order No. 724

After considering any public comment, the Court will consider amending the following Local Rule as follows:

**Civil Local Rule 72.3**

- a. ~~In Aall of the District’s civil §1983 prisoner easeload cases, a magistrate judge will be assigned to the magistrate judges for disposition, either upon consent of all parties or, in the case of an objection to magistrate judge jurisdiction, upon submission of proposed findings and recommendations to the district judge, to hear and conduct proceedings designated by 28 U.S.C. § 636(b)(1), unless the district judge orders otherwise.~~
- b. ~~The magistrate judge will conduct all proceedings including a jury or bench trial and must order the entry of a final judgment upon the written consent of all parties in the case in accordance with 28 U.S.C. § 636(c). No § 1983 prisoner case will be assigned to a United States district judge unless a party either fails to timely consent in writing to magistrate judge jurisdiction or requests in writing that the case be assigned to a district judge. The Clerk will give the parties written notice of their opportunity to consent to magistrate judge jurisdiction under 28 U.S.C. § 636(c) pursuant to Fed. R. Civ. P. 73(b)(1) at the time a summons is issued or, when each defendant first responds to the complaint, if notice could not have been provided earlier.~~
- c. ~~The plaintiff must indicate his or her willingness to consent to magistrate judge jurisdiction for trial in writing on the court’s form “Complaint Under the Civil Rights Act 42 U.S.C. § 1983” or by filing a separate “Notice of Consent or Request for Reassignment Under Civil Local Rule 72.3.”~~

Pursuant to Fed. R. Civ. P. 73(b)(2), the assigned district judge, magistrate judge, or the Clerk may thereafter remind the parties of the magistrate judge's availability by issuing a Notice, Consent, and Reference of the civil action to the magistrate judge pursuant to 28 U.S.C. § 636(c)(1). That Notice will advise the parties that they are free to withhold consent without adverse substantive consequences. If all the parties decide to consent, all parties will submit the jointly signed Notice as a proposed Order consenting to the referral, or each will separately submit his or her signed Notice consenting to the referral to the Clerk in paper format via U.S. Mail. Pursuant to Fed. R. Civ. P. 73(b)(1), and in order to protect the voluntariness of the parties' consent pursuant to 28 U.S.C. § 636(c)(2), the district judge or magistrate judge will be informed of a party's response to this Notice only if all parties have submitted written consent to the referral.

- d. ~~In all §1983 prisoner cases assigned at filing to a magistrate judge, where plaintiff has filed written consent, the defendants must file a "Consent to Assignment to Magistrate Judge or Request for Reassignment to District Judge" upon their first appearance in the case. Upon the written consent of all parties, the case will be referred to the magistrate judge to conduct all proceedings, including a jury or nonjury trial, and order entry of a final judgment in accordance with 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local Civil Rule 73.1.~~
- e. ~~The parties are free to withhold consent to a United States magistrate judge without adverse consequences in the handling of their case. If a plaintiff requests assignment to a district judge in the form complaint or by filing a written notice requesting reassignment to a district judge, or if the defendant requests a district judge in the answer or motion to dismiss, the clerk must reassign the case to a United States district judge on a random basis. Nevertheless, the assigned magistrate judge will conduct all necessary hearings and submit proposed findings of fact and recommendations for the disposition of all motions excepted from the magistrate judge's jurisdiction by 28 U.S.C. § 636(b)(1)(A), unless the district judge orders otherwise. In the absence of written consent of all parties, the magistrate judge will conduct all necessary hearings and submit proposed findings of fact and recommendations for the disposition of all motions excepted from the magistrate judge's jurisdiction by 28 U.S.C. § 636(b)(1)(A), unless the district judge orders otherwise.~~

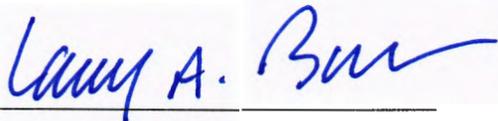
- f. ~~In those cases where the clerk has assigned the case to a district judge, a~~ All hearing dates for any matters on which a dispositive ruling is required pretrial matter excepted by 28 U.S.C. § 636(b)(1)(A) must be obtained from the law clerk of the magistrate judge to whom the case has been assigned referred either on a consent basis pursuant to 28 U.S.C. § 636(c), or for proposed findings of fact and recommendations for the disposition by the assigned district judge on a report and recommendation basis pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 7.1. Unless all parties have consented, or the district judge deems them unnecessary, the magistrate judge must then will file his or her report findings and recommendations with the court and set dates for the filing of written objections pursuant to 28 U.S.C. § 636(b)(1). Written objections, if any, must be directed to the district judge assigned to the case pursuant to 28 U.S.C. § 636(b)(1)(C).
- g. All cases will be set for a Case Management Conference as soon as practicable following the filing of the first answer. Early Neutral Evaluation Conferences will not be set in these matters pursuant to Local Civil Rule 16.1.e.8; however, settlement conferences may be set when the case is determined ready for settlement by a judicial officer.

The period of public comment will be until February 7, 2020. Absent further order of this Court, the effective date of the Rule amendments is March 6, 2020. Any comments should be submitted to the Clerk of the Court, United States District Court, at 333 West Broadway, Room 420, San Diego, California 92101.

\* \* \*

IT IS SO ORDERED.

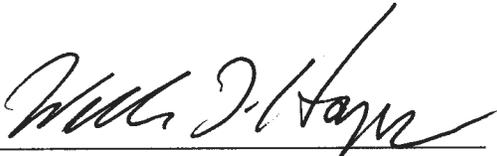
Dated: 1/7/2020



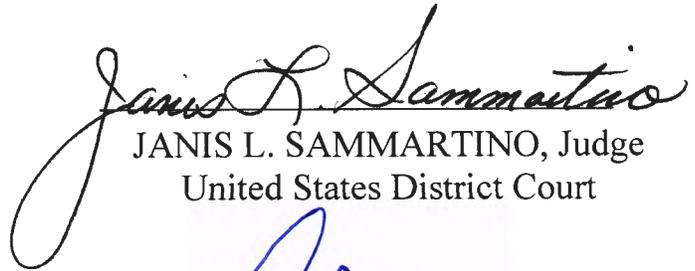
LARRY ALAN BURNS,  
Chief Judge  
United States District Court

SEE ATTACHED

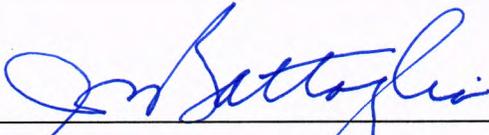
DANA M. SABRAW, Judge  
United States District Court



WILLIAM Q. HAYES, Judge  
United States District Court



JANIS L. SAMMARTINO, Judge  
United States District Court



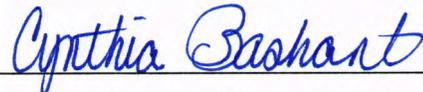
ANTHONY J. BATTAGLIA, Judge  
United States District Court



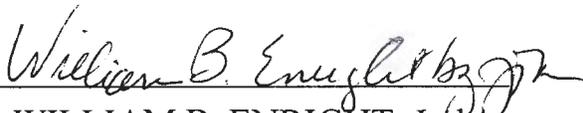
CATHY ANN BENCIVENGO, Judge  
United States District Court

SEE ATTACHED

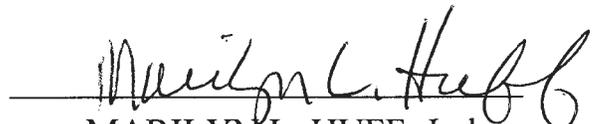
GONZALO P. CURIEL, Judge  
United States District Court



CYNTHIA BASHANT, Judge  
United States District Court



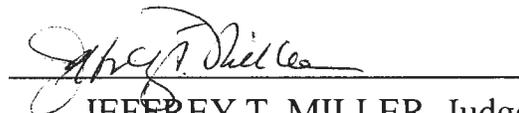
WILLIAM B. ENRIGHT, Judge  
United States District Court



MARILYN L. HUFF, Judge  
United States District Court



BARRY TED MOSKOWITZ, Judge  
United States District Court



JEFFREY T. MILLER, Judge  
United States District Court



THOMAS J. WHELAN, Judge  
United States District Court

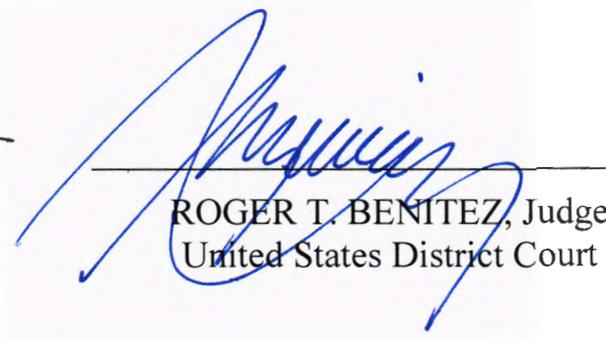
SEE ATTACHED

M. JAMES LORENZ, Judge  
United States District Court



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JOHN A. HOUSTON, Judge  
United States District Court



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ROGER T. BENITEZ, Judge  
United States District Court



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MICHAEL M. ANELLO, Judge  
United States District Court

- f. ~~In those cases where the clerk has assigned the case to a district judge, a~~ All hearing dates for any matters on which a dispositive ruling is required pretrial matter excepted by 28 U.S.C. § 636(b)(1)(A) must be obtained from the law clerk of the magistrate judge to whom the case has been assigned referred either on a consent basis pursuant to 28 U.S.C. § 636(c), or for proposed findings of fact and recommendations for the disposition by the assigned district judge on a report and recommendation basis pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 7.1. Unless all parties have consented, or the district judge deems them unnecessary, the magistrate judge must then will file his or her report findings and recommendations with the court and set dates for the filing of written objections pursuant to 28 U.S.C. § 636(b)(1). Written objections, if any, must be directed to the district judge assigned to the case pursuant to 28 U.S.C. § 636(b)(1)(C).
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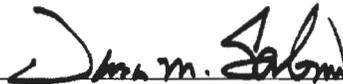
\* \* \*

IT IS SO ORDERED.

Dated: \_\_\_\_\_

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LARRY ALAN BURNS,  
Chief Judge  
United States District Court



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DANA M. SABRAW, Judge  
United States District Court

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WILLIAM Q. HAYES, Judge  
United States District Court

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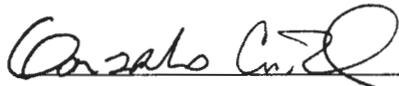
JANIS L. SAMMARTINO, Judge  
United States District Court

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ANTHONY J. BATTAGLIA, Judge  
United States District Court

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CATHY ANN BENCIVENGO, Judge  
United States District Court



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GONZALO P. CURIEL, Judge  
United States District Court

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CYNTHIA BASHANT, Judge  
United States District Court

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WILLIAM B. ENRIGHT, Judge  
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MARILYN L. HUFF, Judge  
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BARRY TED MOSKOWITZ, Judge  
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JEFFREY T. MILLER, Judge  
United States District Court

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THOMAS J. WHELAN, Judge  
United States District Court

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M. JAMES LORENZ, Judge  
United States District Court