

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

IN RE: IMPLEMENTING LOCAL CIVIL
RULE 73.2, AND ASSIGNMENT OF
PRISONER CIVIL RIGHTS AND STATE
HABEAS CASES TO MAGISTRATE JUDGES

Administrative Order
No. 21-MS-042

In accordance with Local Civil Rule 73, and to promote judicial economy in conformity with the procedures in 28 U.S. C. § 636(c), the District Judges have unanimously adopted the following procedures for all prisoner civil rights and state habeas actions filed on and after July 1, 2021.

Promptly after a prisoner civil rights complaint or a petition for writ of habeas corpus is filed, the Clerk shall issue a notice to the plaintiff/petitioner, substantially complying with Attachment 1A (for a civil rights plaintiff) or 1B (for a state habeas corpus petitioner) to this order. The notice will inform the plaintiff/petitioner of their option to consent to the dispositive jurisdiction of a magistrate judge and will provide a statement for their use in exercising this option.

After the complaint or petition for writ of habeas corpus is served, the Clerk shall issue a notice to the defendants/respondent, substantially complying with Attachment 2A to this order. If the plaintiff has not previously consented to the dispositive jurisdiction of a magistrate judge, and after the complaint or petition for writ of habeas corpus is served, the Clerk shall issue a notice to the parties, substantially complying with Attachment 2B to this order.

If any party does not consent to the dispositive jurisdiction of a magistrate judge within 21 days of the Clerk's issuance of the notice, the Clerk shall assign the case at random to a district judge without necessity of any further direction from the Court; the case will be automatically referred to the originally assigned magistrate judge for the issuance of a report and recommendation.

FOR THE COURT:



Dated: June 29, 2021

ROBERT J. JONKER
CHIEF UNITED STATES DISTRICT JUDGE

ATTACHMENT 1A

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
[SOUTHERN/NORTHERN] DIVISION

[PLAINTIFF],

Plaintiff,

Case No. [case no]

v.

Hon. [Magistrate Judge]

[DEFENDANT],

Defendant.

_____ /

NOTICE TO PLAINTIFF REGARDING CONSENT

This notice is to inform you that your case was filed in this court on [date] and has been assigned to Magistrate Judge [name]. In accordance with the provisions of 28 U.S.C. § 636(c) and Federal Rule of Civil Procedure 73, you are hereby notified that the United States magistrate judges of this district court may, upon your consent, conduct any or all proceedings in this case, including a jury trial and entry of a final judgment. If you consent, any appeal from a judgment entered by a magistrate judge shall be taken directly to the United States Court of Appeals for this judicial circuit in the same manner as an appeal from any other judgment of a district court.

Magistrate judges have greater flexibility in their schedules than district judges, who have heavy criminal caseloads that take priority over civil trials. Accordingly, the magistrate judges are generally able to schedule prisoner civil rights cases for jury trial much sooner, and they are able to provide firm trial dates. Magistrate judges are experienced trial judges who handle a great number of prisoner civil rights cases.

Your decision to consent to the dispositive jurisdiction of a United States magistrate is entirely voluntary. If you do not consent to a magistrate judge, the case will be randomly assigned to a district judge. The magistrate judge already assigned to this case would continue to decide all pretrial matters and would handle all dispositive motions by report and recommendation.

Please complete and sign the attached Statement Regarding Consent and return it to the court on or before [21 days]. If the statement is not received by the deadline, the case will be randomly assigned to a district judge, with an automatic referral to the magistrate judge named above.

CLERK OF COURT

Dated: [date]

By: /s/ [Deputy Clerk]

ATTACHMENT 1A

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
[SOUTHERN/NORTHERN] DIVISION

[PLAINTIFF],

Plaintiff,

Case No. [case no]

v.

Hon. [Magistrate Judge]

[DEFENDANT],

Defendant.

_____ /

PLAINTIFF'S STATEMENT REGARDING CONSENT

_____ I hereby voluntarily consent to the United States magistrate judge conducting all proceedings in this case, including entry of a final judgment and all post-judgment matters.

_____ I request that this case be assigned to a district judge.

Dated: _____

Plaintiff [name]

ATTACHMENT 1B

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
[SOUTHERN/NORTHERN] DIVISION

[PETITIONER],

Petitioner,

Case No. [case no]

v.

Hon. [Magistrate Judge]

[RESPONDENT]

Respondent.

_____ /

NOTICE TO PETITIONER REGARDING CONSENT

This notice is to inform you that your case was filed in this court on [date] and has been assigned to Magistrate Judge [name]. In accordance with the provisions of 28 U.S.C. § 636(c) and Federal Rule of Civil Procedure 73, you are hereby notified that the United States magistrate judges of this district court may, upon your consent, conduct any or all proceedings in this case, including entry of a final judgment. If you consent, any appeal from a judgment entered by a magistrate judge shall be taken directly to the United States Court of Appeals for this judicial circuit in the same manner as an appeal from any other judgment of a district court.

Magistrate judges have greater flexibility in their schedules than district judges, who have heavy criminal caseloads that take priority over civil matters. Accordingly, the magistrate judges are generally able to address habeas petitions sooner. Magistrate judges are experienced trial judges who handle a great number of prisoner habeas petitions.

Your decision to consent to the dispositive jurisdiction of a United States magistrate judge is entirely voluntary. If you do not consent to a magistrate judge, the case will be randomly assigned to a district judge. The magistrate judge already assigned to this case would continue to decide all matters, including the merits of your habeas petition by report and recommendation.

Please complete and sign the attached Statement Regarding Consent and return it to the court on or before [21 days]. If the statement is not received by the deadline, the case will be randomly assigned to a district judge, with an automatic referral to the magistrate judge named above.

CLERK OF COURT

Dated: [date]

By: /s/ [Deputy Clerk]

ATTACHMENT 1B

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
[SOUTHERN/NORTHERN] DIVISION

[PETITIONER],

Petitioner,

Case No. [case no]

v.

Hon. [Magistrate Judge]

[RESPONDENT],

Respondent.

_____ /

PETITIONER'S STATEMENT REGARDING CONSENT

_____ I hereby voluntarily consent to the United States magistrate judge conducting all proceedings in this case, including entry of a final judgment and all post-judgment matters.

_____ I request that this case be assigned to a district judge.

Dated: _____

Petitioner [name]

ATTACHMENT 2A

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
[SOUTHERN/NORTHERN] DIVISION

[PLAINTIFF/PETITIONER],

Plaintiff/Petitioner,

Case No. [case no]

v.

Hon. [Magistrate Judge]

[DEFENDANT/RESPONDENT],

Defendant/Respondent.

_____ /

NOTICE TO [DEFENDANT/RESPONDENT] REGARDING CONSENT

This notice is to inform you that, in accordance with the provisions of 28 U.S.C. § 636(c) and Federal Rule of Civil Procedure 73, you are hereby notified that the United States magistrate judges of this district court may, upon your consent, conduct any or all proceedings in this case, including entry of a final judgment. Any appeal from a judgment entered by a magistrate judge shall be taken directly to the United States Court of Appeals for this judicial circuit in the same manner as an appeal from any other judgment of a district court.

Your decision to consent to the referral of your case to a United States magistrate judge for disposition is entirely voluntary. If you do not consent to a magistrate judge, the case will be randomly assigned to a district judge. The magistrate judge already assigned to this case would continue to decide all pretrial matters and would handle [the merits of the habeas petition] [all dispositive motions] by report and recommendation.

Please complete and sign the attached Statement Regarding Consent and return it to the court on or before [21 days]. If the statement is not received by the deadline, the case will be assigned to a district judge, with an automatic referral to the magistrate judge named above.

CLERK OF COURT

Dated: [date]

By: /s/ [Deputy Clerk]

ATTACHMENT 2A

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
[SOUTHERN/NORTHERN] DIVISION

[PLAINTIFF/PETITIONER],
Plaintiff/Petitioner,

Case No. [case no]

v.

Hon. [Magistrate Judge]

[DEFENDANT/RESPONDENT]
Defendant/Respondent.

_____ /

[DEFENDANT/RESPONDENT'S] STATEMENT REGARDING CONSENT

_____ [Defendant/Respondent] hereby voluntarily consents to the United States magistrate judge conducting all proceedings in this case, including entry of a final judgment and all post-judgment matters.

_____ [Defendant/Respondent] requests that this case be assigned to a district judge.

Dated: _____

Counsel for Defendant/Respondent

ATTACHMENT 2B

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
[SOUTHERN/NORTHERN] DIVISION

[PLAINTIFF/PETITIONER],

Plaintiff/Petitioner,

Case No. [case no]

v.

Hon. [Magistrate Judge]

[DEFENDANT/RESPONDENT],

Defendant/Respondent.

_____ /

NOTICE TO PARTIES REGARDING CONSENT

This notice is to inform you that, in accordance with the provisions of 28 U.S.C. § 636(c) and Federal Rule of Civil Procedure 73, you are hereby notified that the United States magistrate judges of this district court may, upon your consent, conduct any or all proceedings in this case, including entry of a final judgment. Any appeal from a judgment entered by a magistrate judge would be taken directly to the United States Court of Appeals for this judicial circuit in the same manner as an appeal from any other judgment of a district court.

Your decision to consent to the dispositive jurisdiction of a United States magistrate is entirely voluntary. If you do not consent to a magistrate judge, the case will be randomly assigned to a district judge. The magistrate judge already assigned to this case would continue to decide all pretrial matters and would handle [the merits of the habeas petition] [all dispositive motions] by report and recommendation.

Please complete and sign the attached Statement Regarding Consent and return it to the court on or before [21 days]. If the statement is not received by the deadline, the case will be randomly assigned to a district judge, with an automatic referral to the magistrate judge named above.

CLERK OF COURT

Dated: [date]

By: /s/ [Deputy Clerk]

ATTACHMENT 2B

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
[SOUTHERN/NORTHERN] DIVISION

[PLAINTIFF/PETITIONER],

Plaintiff/Petitioner,

Case No. [case no]

v.

Hon. [Magistrate Judge]

[DEFENDANT/RESPONDENT],

Defendant/Respondent.

_____ /

THE PARTIES' STATEMENT REGARDING CONSENT

_____ [Plaintiff/Petitioner] hereby voluntarily consents to the United States magistrate judge conducting all proceedings in this case, including entry of a final judgment and all post-judgment matters.

_____ [Plaintiff/Respondent] requests that this case be assigned to a district judge.

Dated: _____

Plaintiff/Petitioner [name]

* * *

_____ [Defendant/Respondent] hereby voluntarily consents to the United States magistrate judge conducting all proceedings in this case, including entry of a final judgment and all post-judgment matters.

_____ [Defendant/Respondent] requests that this case be assigned to a district judge.

Dated: _____

Counsel for Defendant/Respondent