

# LCvR40 – Scheduling Cases for Trial

## LCvR40-1 Assignment and Distribution of Cases.

(a) **Random Assignment of District Judges.** Criminal and civil cases shall be assigned to district judges according to a system based on random selection both for initial assignment and for assignment ~~following in the event of~~ recusal. The system of random case assignment, distribution of cases, and rotating supervision of the Grand Jury shall be determined by the Court.

(b) **Random Assignment of Magistrate Judges.** A magistrate judge shall be randomly assigned to each civil case ~~when at the time~~ the case is filed.

(c) **Social Security Cases.** Social security cases shall be randomly assigned to the magistrate judges in this district in equal proportions to conduct all proceedings in the case, including entry of final judgment, under 28 U.S.C. § 636. Any party wishing to decline magistrate judge jurisdiction should follow the Instructions for Declining Magistrate Judge Jurisdiction, file a Magistrate Jurisdiction Form available from the Court Clerk's office or available on the Court's website. Parties are free to decline magistrate judge jurisdiction without adverse substantive consequences. A district or magistrate judge will be informed of a party's response only if all parties have consented to the magistrate judge's jurisdiction.

The filing of a party's opening brief or response brief without first ~~filing-submitting~~ an executed Statement as to Magistrate Judge Jurisdiction-Form will be deemed written consent to proceed before a magistrate judge. If within twenty-one days of the date the Commissioner files an answer or motion under Fed. R. Civ. P Supp. SS Rule 4 entry of the initial scheduling order no party has filed submitted an executed Magistrate Jurisdiction-Form Statement declining jurisdiction, it will be deemed written consent to proceed before a magistrate judge.

If any party ~~files-submits~~ an executed Magistrate Jurisdiction-Form Statement declining magistrate judge jurisdiction, the case will thereafter be randomly reassigned to a district ~~court~~ judge and a magistrate judge from the civil case assignment deck. ~~If a party declines magistrate judge jurisdiction, there will be no adverse consequences for that party. Pursuant to LCvR72-1, the case shall then be referred to the magistrate judge for all proceedings consistent with 28 U.S.C. § 636, including the filing of a report and recommendation on dispositive matters.~~

(d) **Capital-Death Penalty Habeas Cases.** Capital-Death penalty habeas cases shall be randomly assigned independently of other actions to ensure their equal distribution among the active district judges of this Court, or senior judges with their consent.

## LCvR40-2 Assignment of Cases for Trial.

The placing of actions upon the trial calendar will be set in the Scheduling Order or upon motion by the parties.

### **SUMMARY OF CHANGES**

Minor changes for style and consistency. Most changes ensure local rule authorizing cases to be assigned to magistrate judges after a non-consent and to eliminate filing of a non-consent so that a judge will not see which party has non-consented to magistrate judge jurisdiction.