

JUL 10 2024

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS

By Ronald E. Dowling ^(fcd)
Deputy Clerk

IN RE: **PLAN FOR DIRECT ASSIGNMENT OF PRISONER CASES FILED
PURSUANT TO 42 U.S.C. § 1983 TO THE UNITED STATES
MAGISTRATE JUDGE**

GENERAL ORDER NO. 2024-02

I. Direct Assignment

The Clerk of Court will assign all cases filed by current or former prisoners pursuant to 42 U.S.C. § 1983 with nature of suit codes 540, 550, 555, or 560 to the United States Magistrate Judge at the time of filing.

II. General Provisions of Direct Assignment

A. Magistrate Judge Authority

In a case directly assigned to a United States Magistrate Judge, the Magistrate Judge is responsible for all case management and scheduling activities. If all parties consent in writing to the Magistrate Judge's exercise of civil trial jurisdiction, the case will remain assigned to the Magistrate Judge for all purposes, including entry of final judgment. See 28 U.S.C. § 636(c); Fed. R. Civ. P. 73; Local Rule 72.1(X)(B).

B. Appeal

Appeal from a final judgment entered at a Magistrate Judge's direction may be taken to the United States Court of Appeals for the Eighth Circuit as would any other appeal from a district court judgment. See 28 U.S.C. § 636(c)(3); Fed. R. Civ. P. 73(c); Local Rule 72.1(X)(C).

C. Supplement to Existing Consent Option

The direct assignment of cases to Magistrate Judges supplements, and does not replace, the parties' ability to consent to the exercise of jurisdiction by a Magistrate Judge, either initially or later, in a case assigned to a District Judge.

III. Notification, Consent and Reassignment

A. Notice

(1). **Plaintiff:** In all cases directly assigned to a Magistrate Judge, the Clerk of Court will enter a Notice of Direct Assignment, with Consent/Reassignment Form. The plaintiff will have twenty-one (21) days from the date the Notice of Direct

Assignment was entered to return the Consent/Reassignment Form to the Clerk of Court.

(2). **Defendant(s)**: When an appearance is entered for defendant(s) either by filing an answer or a motion to dismiss, the Clerk of Court will enter a Notice of Direct Assignment, with Consent/Reassignment Form. The defendant(s) will have twenty-one (21) days from the date the Notice of Direct Assignment was entered to file the Consent/Reassignment Form with the Clerk pursuant to the Court's electronic filing system, CM/ECF.

B. Consent Voluntary

All parties are free to request a reassignment to a District Judge without the imposition of any adverse substantive consequences.

C. Response Mandatory

While consent to the assignment of a case to a Magistrate Judge is entirely voluntary, submission of the Consent/Reassignment Form, memorializing the consent or requesting reassignment to a District Judge is **mandatory**. Failure to submit the Consent/Reassignment Form in a timely manner may result in delay in processing the case.

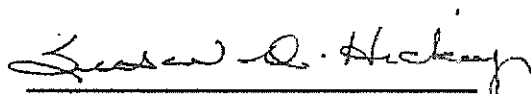
D. Reassignment of Cases

A case directly assigned to a Magistrate Judge will be reassigned to a District Judge if all parties have not consented to the exercise of jurisdiction by a Magistrate Judge. The Clerk of Court will enter an order of reassignment on behalf of the Chief District Judge. The Magistrate Judge will remain the referral judge on the case for all pretrial matters.

E. Filing of Consent/Reassignment Forms

The **plaintiff's** Consent/Reassignment Form will be sent to and filed by the Clerk of Court. The **defendant(s)** Consent/Reassignment Form shall be filed under seal with the Clerk pursuant to the Court's electronic filing system, CM/ECF.

Dated this 10th day of July 2024.



Susan O. Hickey
Chief United States District Judge