

**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