

**Courtroom Conversation with
U.S. Magistrate Court Judge Barbara L. Major
Written Materials**

**Honorable Barbara Lynn Major U.S. Magistrate Judge Chambers Rules-Civil
Cases..... PDF Bookmark 1**

**Notice, Consent, and Reference of a Civil Action to a Magistrate
Judge..... PDF Bookmark 2**

Title 28 United States Code § 636..... PDF Bookmark 3

**General Consent to United States Magistrate Judge in Social Security
Cases..... PDF Bookmark 4**

Local Civil Rules 72.1, 72.2, 72.3, 73.1..... PDF Bookmark 5

**HONORABLE BARBARA LYNN MAJOR
U.S. MAGISTRATE JUDGE
CHAMBERS RULES-CIVIL CASES**

Please note: The Court provides this information for general guidance to counsel. However, the Court may vary these procedures as appropriate in any case. Counsel are reminded to carefully read the entire order issued by the Court, not just the docket entry summary.

I. Communication with Chambers

Chambers staff includes two law clerks and one courtroom deputy. The law clerks handle inquiries on civil matters while the courtroom deputy handles inquiries on criminal matters. The telephone number for the law clerks is (619) 557-7372. The telephone number for the courtroom deputy is (619) 557-7099.

A. Letters, faxes, or emails

Letters, faxes, and emails to chambers are prohibited unless specifically requested by the Court. If letters, faxes, or emails are requested by the Court, copies of the same must be simultaneously delivered to all counsel, unless otherwise directed by the Court (such as with confidential Early Neutral Evaluation (“ENE”) statements and confidential Settlement Conference (“SC”) statements). Copies of correspondence between counsel should not be sent to the Court.

B. Telephone calls

Telephone calls to chambers are permitted only for procedural matters such as scheduling a conference. Court personnel are prohibited from giving legal advice or discussing the merits of a case. When calling chambers, be prepared to identify your case as odd or even based on the last digit of the case number, so your call can be directed to the appropriate law clerk. **Only an attorney with knowledge of the case** may contact chambers.

C. Lodging documents

When an order directs you to “lodge” a document with chambers (usually an ENE or SC statement), you may e-mail it to efile_major@casd.uscourts.gov, or have it delivered to Judge Major’s chambers, 333 West Broadway, Suite 1110, San

Diego, CA 92101. If the document including exhibits exceeds 20 pages, a courtesy copy must be delivered to chambers.

D. Transcripts

If a party wants to order a transcript of a court proceeding, counsel must contact the courtroom deputy, Natalie Peltier, at 619-557-7099 and provide the case name, case number, and date of the hearing.

E. Courtesy Copies

Unless otherwise ordered by the court, parties must deliver to the Clerk's Office or mail directly to the judge's chambers, within 24 hours after filing, any civil case filing which exceeds 20 pages in length including attachments and exhibits. In addition, where a party makes multiple filings in a case on the same day, and those filings cumulatively exceed 20 pages, a courtesy copy must be provided to the assigned judicial officer. If the nature of the filing is such that the need for a judge's immediate attention is anticipated or desired, a courtesy copy must be delivered on the same day as the filing. A copy of the Notice of Electronic Filing must precede the first page of the courtesy copy. Courtesy copies are to be addressed to the attention of the assigned judicial officer.

II. Early Neutral Evaluation Conference ("ENE") and other Settlement Conferences ("SC")

The ENE is a multi-purpose conference. The conference is informal, off-the-record, and confidential. It is an opportunity for the parties to educate Judge Major and each other regarding their claims and defenses. The ENE also provides an opportunity to have meaningful settlement discussions before costs and fees become significant factors or impediments to resolving the dispute. A candid discussion allows Judge Major to fashion an appropriate scheduling order for the case and to consider how best to approach discovery. The ENE typically is not scheduled until an Answer has been filed.

The Court will issue a Notice and Order for Early Neutral Evaluation Conference and Case Management Conference containing all of the requirements for the ENE/CMC. Please read this order carefully. The order will require, among other things, the parties to meet and confer, file a joint discovery plan, serve initial disclosures, lodge ENE statements, and attend the ENE/CMC conference.

A. Personal Appearance Required at the ENE and SCs

The Court requires all named parties and party representatives, insurance adjusters for insured parties, and principal attorneys to appear **in person** at the ENE and other settlement conferences and be legally and factually prepared to discuss settlement of the case. The Court further requires that all attendees have “full settlement authority” as defined in the Court’s order. A limited or sum certain settlement authority is not acceptable as each party must be able to engage in meaningful face-to-face discussions with the unfettered ability to change the party’s settlement position. Please see the Court’s order scheduling the conference for more information.

The Court will **not** grant requests to excuse a required party from personally appearing absent good cause. Distance of travel alone does **not** constitute the requisite good cause. Counsel requesting that a required party be excused from personally appearing at the conference must meet and confer with opposing counsel prior to making the request and must file an appropriate motion establishing good cause for the request at least 5 court days before the ENE or SC. Unless the Court grants the motion, all identified individuals are required to appear in person.

The Court does not have discretion to convert the ENE to a telephonic conference.

B. ENE or SC Statement

The Court’s order setting the ENE or SC will contain information regarding the length and content of the required statement as well as the date by which it must be lodged.

C. Continuing the ENE/CMC

Counsel seeking to reschedule an ENE or other settlement conference must confer with opposing counsel prior to making the request. Such requests must be made in a filed motion at least seven days before the scheduled hearing and may be granted only upon good cause shown.

D. Time Allotted

The Court generally allots up to three hours for ENEs and SCs, but the parties should be prepared to stay longer at the Court’s discretion.

E. Notice of Resolution

If the case is settled in its entirety, or as to any party(ies), before the scheduled ENE or SC, counsel must file a Notice of Settlement and promptly call chambers at (619) 557-7372. After the Notice is filed, the Court will schedule a Settlement Disposition Conference which will be vacated with the filing of an appropriate Motion to Dismiss.

III. Case Management Conference (“CMC”) and Scheduling Order

A. Rule 16 CMC

The Court conducts the CMC required by Fed. R. Civ. P. 16 immediately following the ENE, if no settlement has been reached. The requirements for this CMC are set forth in the Court’s Notice and Order for Early Neutral Evaluation Conference and Case Management Conference and must be addressed in the Joint Discovery Plan filed by the parties prior to the ENE/CMC. After the CMC, the Court will issue a Scheduling Order Regulating Discovery and Other Pre-trial Proceedings (“Scheduling Order”).

B. Requests to Amend the Scheduling Order

As provided in Fed. R. Civ. P. 16(b)(4), modification of the dates and times set in the Scheduling Order requires good cause and judicial consent. The Rule 16 “good cause” standard focuses on the reasonable diligence of the moving party. Counsel are reminded of that they must “take all steps necessary to bring an action to readiness for trial.” Civil Local Rule 16.1(b).

Before requesting an extension of any date or deadline, the attorneys must “meet and confer” and the request should then be made by filing a joint motion. The joint motion must establish good cause for the request and shall include a declaration from counsel of record detailing the steps taken to comply with the date(s) or deadline(s), the specific reason why the identified deadline cannot be met, and whether any prior extensions or modifications to the Scheduling Order have been requested or approved. A party seeking a modification may move *ex parte* if the other parties will not join in a motion to amend the schedule. In an *ex parte* motion, the declaration must address the steps counsel took to meet and confer with opposing counsel to obtain authorization to file a joint motion, as well as the subjects required for the joint motion. When the motion is made after the

deadline has passed or time has expired, Fed. R. Civ. P. 6(b)(1)(B) requires the parties to address excusable neglect.

The filing of a motion to amend the Scheduling Order does **NOT** permit the parties to disregard the current dates and deadlines. Unless and until the Court grants the motion to amend, all parties must continue to comply with all dates and deadlines set forth in the Scheduling Order.

C. Telephonic Conferences

At the Court's discretion, the Court may conduct a telephonic conference to discuss case management or discovery issues. Unless otherwise directed, the Court will initiate the conference call. Counsel shall notify the law clerk of the telephone number at which they can be reached, if they will **not** be at their usual office number, in advance of the conference by calling the law clerk at (619) 557-7372. It is not necessary for counsel to contact chambers in advance of the conference call if they can be reached at their usual office number. Absent extraordinary circumstances, counsel shall use land lines, rather than cellular phones, for all telephonic conferences.

IV. Continuances

Parties requesting a continuance of any conference, motion or hearing date, or briefing schedule shall meet and confer prior to contacting the Court. If the parties reach an agreement, they shall file a joint motion identifying the current date, the requested date, the number and length of any prior continuance, and the reason for the requested continuance or extension of time. They also shall e-mail a proposed order in Word format to efile_major@casd.uscourts.gov detailing the current date and the proposed new date. Please refer to the Case Filing Administrative Policies and Procedures Manual located on the Court's website with regard to CM/ECF filings. If the parties are unable to reach an agreement, the requesting party shall file an *ex parte* motion satisfying the applicable legal standard, with a particular focus on the diligence of the party seeking delay and any prejudice that may result therefrom. In addition, the *ex parte* motion shall state (1) the original date, (2) the number of previous requests and continuances, (3) whether previous requests were granted or denied and (4) opposing counsel's position with regard to the requested continuance.

The filing of a motion to continue any date or deadline does **NOT** permit the parties to disregard the challenged date or deadline. Unless and until the Court

grants the motion to continue, all parties must continue to comply with all deadlines.

V. Discovery Disputes

A. Meet and Confer Requirement

Prior to bringing any discovery dispute to the Court, counsel must meet and confer pursuant to Civil Local Rule 26.1. If counsel are in the same county, they are to meet in person; if counsel practice in different counties, they are to confer by telephone. Under no circumstances may counsel satisfy the “meet and confer” obligation by written or emailed correspondence. The Court expects strict compliance with the meet and confer requirement, as it is the experience of the Court that the vast majority of disputes can be resolved by means of that process. Counsel must **thoroughly** meet and confer and shall make every effort to resolve all disputes without the necessity of court intervention.

If a party or lawyer fails to respond to opposing counsel’s request to meet and confer for more than 72 hours, counsel may contact chambers and request a telephonic conference with the clerk assigned to the case or an appropriate briefing schedule.

B. Conference Call with Chambers

If the parties fail to resolve their dispute through the meet and confer process, then counsel for all parties are required to determine a mutually agreeable time to conduct a conference call with Chambers. The Court will not assign a hearing date before conducting a conference call with all counsel.

During the conference call, counsel for the parties will be asked to explain: (i) the details of their dispute; (ii) their respective positions; (iii) what meet and confer efforts have taken place; (iv) the precise relief the moving party is seeking; and (v) how soon they can file the motion and opposition.

Based upon the nature of the dispute, the Court will determine whether to conduct an informal dispute resolution process with the parties or have the parties proceed directly to filing a formal discovery motion.

C. Briefing Schedule

The Court believes it is important to resolve discovery disputes as soon as possible and routinely sets expedited briefing schedules for discovery motions. The parties should be prepared to file their motion and opposition in a shortened time frame after the Chambers' conference call.

Unless otherwise authorized, discovery motions and oppositions may not exceed **15 pages**, exclusive of exhibits. Reply briefs are not permitted unless requested and authorized by the Court.

D. Discovery Motion Hearings

Most discovery disputes can be resolved on the filed pleadings without oral argument and the Court rarely conducts discovery hearings. The parties will be notified if the Court will hear oral argument.

E. Timing of Motion

All discovery motions must be filed within 30 days of the event giving rise to the dispute and only after counsel have met and conferred and communicated with the Court as set forth above. The event giving rise to the dispute is **NOT** the date on which counsel reach an impasse in their meet and confer efforts. For written discovery, the event giving rise to the dispute is the service of the initial response or production of documents, or the passage of the due date without a response or document production. For oral discovery, the event giving rise to the dispute is the receipt of the transcript from the Court reporter of the affected portion of the deposition.

F. Contents of the Written Motion

The discovery motion must contain at a minimum 1) a declaration from lead trial counsel establishing compliance with the meet and confer efforts; 2) the exact wording of the discovery request and response, and 3) an explanation as to why the response is inadequate, precisely what additional information the moving party is seeking, and the legal authority supporting the motion.

VI. Requests to File Documents Under Seal

There is a presumptive right of public access to court records based upon common law and First Amendment grounds. Accordingly, no document may be filed under seal, i.e., closed to inspection by the public except pursuant to a Court order that authorizes the sealing of the particular document, or portions of it. A sealing order may issue only upon a showing that the information is privileged or protectable under the law. The request must be narrowly tailored to seek sealing only of the confidential or privileged material. To file a document under seal, the parties must comply with the procedures explained in Section 2.j of the Electronic Case Filing Administrative Policies and Procedures Manual for the United States District Court for the Southern District of California and Civil Local Rule 79.2.

A motion to seal must be filed before the Judge who will rule on the motion associated with the proposed sealed document. For example, a motion to seal a document associated with a motion to compel discovery will be before Judge Major, while a motion to seal a document associated with a Motion for Summary Judgment will be before the District Judge assigned to the case.

If the motion is being made to Judge Major, the party requesting sealing must file a 'public' version of the document it seeks to file under seal. In the public version, the party may redact only that information that is deemed 'Confidential' or privileged. The party should file the redacted document(s) simultaneously with a joint motion or *ex parte* application requesting that the confidential portions of the document(s) be filed under seal and setting forth good cause for the request.

VII. Stipulated Protective Order

All stipulated protective orders must be filed as a joint motion. The joint motion must contain the language of the stipulated protective order sought and the parties' electronic signatures. The parties must also email a proposed order, in Word format, containing the text of the protective order to efile_major@casd.uscourts.gov. If the parties are unable to agree on the terms of the protective order, the joint motion should set forth the terms on which the parties agree and clearly identify the terms on which they disagree. For the terms that are in dispute, each party should state the precise language the party is proposing and provide the legal and factual support for the proposal. The Court will decide which of the disputed terms, if any, will be included in the protective order.

If the parties want the Court to retain jurisdiction to enforce the terms of the stipulated Protective Order, the Court is willing to do so for no more than one year. If the parties want continuing jurisdiction, the stipulated Protective Order should include the following language "Continuing Jurisdiction: The Court shall retain jurisdiction for a period of one (1) year after the conclusion of this action to enforce the terms of the Protective Order."

Any proposed stipulated Protective Order must contain the following provisions:

A. Filing Under Seal. Before any materials produced in discovery, answers to interrogatories, responses to requests for admissions, deposition transcripts, or other documents which are designated as Confidential Information are filed with the Court for any purpose, the party seeking to file such material must seek permission of the Court to file the material under seal. No document may be filed under seal, i.e., closed to inspection by the public except pursuant to a Court order that authorizes the sealing of the particular document, or portions of it. A sealing order may issue only upon a showing that the information is privileged or protectable under the law. The request must be narrowly tailored to seek sealing only of the confidential or privileged material. To file a document under seal, the parties must comply with the procedures explained in Section 2.j of the Electronic Case Filing Administrative Policies and Procedures Manual for the United States District Court for the Southern District of California and Civil Local Rule 79.2. In addition, in accordance with Judge Major's preferences, a party must file a 'public' version of any document that it seeks to file under seal. In the public version, the party may redact only that information that is deemed 'Confidential.' The party should file the redacted document(s) simultaneously with a joint motion or *ex parte* application requesting that the confidential portions of the document(s) be filed under seal and setting forth good cause for the request."

B. Modification of the Protective Order by the Court. The Court may modify the terms and conditions of the Order for good cause, or in the interest of justice, or on its own order at any time during these proceedings.

VIII. Ex Parte Proceedings

The Court does not have regular *ex parte* hearing days or hours. Absent extraordinary circumstances, discovery disputes should not be filed as an *ex parte* motion. Appropriate *ex parte* applications must be filed electronically on CM/ECF

in accordance with the Local Rules and must explain why proceeding *ex parte* is necessary. The application also must include a description of the dispute, the relief sought, and a declaration describing the efforts made to resolve the dispute without the Court's intervention and establishing that reasonable and appropriate notice of the filing of the *ex parte* application was made to opposing counsel in accordance with Civil Local Rule 83.3.g. After service of the *ex parte* application, opposing counsel will ordinarily be given until 5:00 p.m. on the next business day to respond. If more time is needed, opposing counsel must call the law clerk assigned to the case to request additional time. After receipt of the application and opposition, the Court will review the submissions and most likely issue a decision without a hearing. If the Court requires a hearing, the Court will issue an order or contact the parties to set the date and time.

IX. General Decorum

The Court insists that all counsel and parties be courteous, professional, and civil at all times to opposing counsel, parties, and the Court, including all court personnel. Professionalism and civility—in court appearances, communications with Chambers, and written submissions—are of paramount importance to the Court. Personal attacks on counsel or opposing parties will not be tolerated. Counsel are expected to be punctual for all proceedings and are reminded to follow Civil Local Rule 83.4, in their practice before this Court.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

_____,
Plaintiff,
v.
_____,
Defendant.

Civil Case No.

**NOTICE, CONSENT, AND
REFERENCE OF A CIVIL ACTION TO
A MAGISTRATE JUDGE**

Notice of a magistrate judge's availability. A United States magistrate judge of this court is available to conduct all proceedings in this civil action (including a jury or nonjury trial) and to order the entry of a final judgment. The judgment may then be appealed directly to the United States court of appeals like any other judgment of this court. A magistrate judge may exercise this authority only if all parties voluntarily consent.

You may consent to have your case referred to a magistrate judge, or you may withhold your consent without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with your case.

Consent to a magistrate judge's authority. The following parties consent to have a United States magistrate judge conduct all proceedings in this case including trial, the entry of final judgment, and all post-trial proceedings.

<i>Printed names</i>	<i>Signatures of parties and attorneys</i>	<i>Dates</i>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

REFERENCE ORDER

IT IS ORDERED: This case is referred to United States Magistrate Judge _____ to conduct all proceedings and order entry of a final judgment in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73.

Date: _____

United States District Judge

28 U.S. Code § 636 - Jurisdiction, powers, and temporary assignment

U.S. Code Notes

(a) Each [United States magistrate judge](#) serving under this chapter shall have within the district in which sessions are held by the court that appointed the [magistrate judge](#), at other places where that court may function, and elsewhere as authorized by law—

(1) all powers and duties conferred or imposed upon United States commissioners by law or by the Rules of Criminal Procedure for the United States District Courts;

(2) the power to administer oaths and affirmations, issue orders pursuant to [section 3142 of title 18](#) concerning release or detention of persons pending trial, and take acknowledgements, affidavits, and depositions;

(3) the power to conduct trials under section 3401, title 18, United States Code, in conformity with and subject to the limitations of that section;

(4) the power to enter a sentence for a petty offense; and

(5) the power to enter a sentence for a class A misdemeanor in a case in which the parties have consented.

(b)

(1) Notwithstanding any provision of law to the contrary—

(A) a judge may designate a [magistrate judge](#) to hear and determine any pretrial matter pending before the court, except a motion for injunctive relief, for judgment on the pleadings, for summary judgment, to dismiss or quash an indictment or information made by the defendant, to suppress evidence in a criminal case, to dismiss or to permit maintenance of a class action, to dismiss for failure to state a claim upon which relief can be granted, and to involuntarily dismiss an action. A judge of the court may reconsider any pretrial matter under this subparagraph (A) where it has been shown that the [magistrate judge](#)'s order is clearly erroneous or contrary to law.

(B) a judge may also designate a [magistrate judge](#) to conduct hearings, including evidentiary hearings, and to submit to a judge of the court proposed findings of fact and recommendations for the disposition, by a judge of the court, of any motion excepted in

subparagraph (A), of applications for posttrial [\[1\]](#) relief made by individuals convicted of criminal offenses and of prisoner petitions challenging conditions of confinement.

(C)the [magistrate judge](#) shall file his proposed findings and recommendations under subparagraph (B) with the court and a copy shall forthwith be mailed to all parties.

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the [magistrate judge](#). The judge may also receive further evidence or recommit the matter to the [magistrate judge](#) with instructions.

(2)A judge may designate a [magistrate judge](#) to serve as a special master pursuant to the applicable provisions of this title and the Federal Rules of Civil Procedure for the United States district courts. A judge may designate a [magistrate judge](#) to serve as a special master in any civil case, upon consent of the parties, without regard to the provisions of rule 53(b) of the Federal Rules of Civil Procedure for the United States district courts.

(3)A [magistrate judge](#) may be assigned such additional duties as are not inconsistent with the Constitution and laws of the United States.

(4)Each district court shall establish rules pursuant to which the [magistrate judges](#) shall discharge their duties.

(c)Notwithstanding any provision of law to the contrary—

(1)Upon the consent of the parties, a full-time [United States magistrate judge](#) or a part-time [United States magistrate judge](#) who serves as a full-time judicial officer may conduct any or all proceedings in a jury or nonjury civil matter and order the entry of judgment in the case, when specially designated to exercise such jurisdiction by the district court or courts he serves. Upon the consent of the parties, pursuant to their specific written request, any other [part-time magistrate judge](#) may exercise such jurisdiction, if such [magistrate judge](#) meets the bar membership requirements set forth in section 631(b)(1) and the chief judge of the district court certifies that a [full-time magistrate judge](#) is not reasonably available in accordance with guidelines established by the judicial [council](#) of the circuit. When there is more than one judge of a district court, designation under this paragraph shall be by the concurrence of a majority of all the judges of such district court, and when there is no such concurrence, then by the chief judge.

(2)If a [magistrate judge](#) is designated to exercise civil jurisdiction under paragraph (1) of this subsection, the clerk of court shall, at the time the

action is filed, notify the parties of the availability of a [magistrate judge](#) to exercise such jurisdiction. The decision of the parties shall be communicated to the clerk of court. Thereafter, either the district court judge or the [magistrate judge](#) may again advise the parties of the availability of the [magistrate judge](#), but in so doing, shall also advise the parties that they are free to withhold consent without adverse substantive consequences. Rules of court for the reference of civil matters to [magistrate judges](#) shall include procedures to protect the voluntariness of the parties' consent.

(3) Upon entry of judgment in any case referred under paragraph (1) of this subsection, an aggrieved party may appeal directly to the appropriate United States court of appeals from the judgment of the [magistrate judge](#) in the same manner as an appeal from any other judgment of a district court. The consent of the parties allows a [magistrate judge](#) designated to exercise civil jurisdiction under paragraph (1) of this subsection to direct the entry of a judgment of the district court in accordance with the Federal Rules of Civil Procedure. Nothing in this paragraph shall be construed as a limitation of any party's right to seek review by the Supreme Court of the United States.

(4) The court may, for good cause shown on its own motion, or under extraordinary circumstances shown by any party, vacate a reference of a civil matter to a [magistrate judge](#) under this subsection.

(5) The [magistrate judge](#) shall, subject to guidelines of the Judicial [Conference](#), determine whether the record taken pursuant to this section shall be taken by electronic sound recording, by a court reporter, or by other means.

(d) The practice and procedure for the trial of cases before officers serving under this chapter shall conform to rules promulgated by the Supreme Court pursuant to [section 2072 of this title](#).

(e) CONTEMPT AUTHORITY.—

(1) IN GENERAL.—

A [United States magistrate judge](#) serving under this chapter shall have within the territorial jurisdiction prescribed by the appointment of such [magistrate judge](#) the power to exercise contempt authority as set forth in this subsection.

(2) SUMMARY CRIMINAL CONTEMPT AUTHORITY.—

A [magistrate judge](#) shall have the power to punish summarily by fine or imprisonment, or both, such contempt of the authority of such [magistrate judge](#) constituting misbehavior of any person in the [magistrate judge's](#) presence so as to obstruct the administration of justice. The order of contempt shall be issued under the Federal Rules of Criminal Procedure.

(3) ADDITIONAL CRIMINAL CONTEMPT AUTHORITY IN CIVIL CONSENT AND MISDEMEANOR CASES.—

In any case in which a [United States magistrate judge](#) presides with the consent of the parties under subsection (c) of this section, and in any misdemeanor case proceeding before a [magistrate judge](#) under [section 3401 of title 18](#), the [magistrate judge](#) shall have the power to punish, by fine or imprisonment, or both, criminal contempt constituting disobedience or resistance to the [magistrate judge](#)'s lawful writ, process, order, rule, decree, or command. Disposition of such contempt shall be conducted upon notice and hearing under the Federal Rules of Criminal Procedure.

(4) CIVIL CONTEMPT AUTHORITY IN CIVIL CONSENT AND MISDEMEANOR CASES.—

In any case in which a [United States magistrate judge](#) presides with the consent of the parties under subsection (c) of this section, and in any misdemeanor case proceeding before a [magistrate judge](#) under [section 3401 of title 18](#), the [magistrate judge](#) may exercise the civil contempt authority of the district court. This paragraph shall not be construed to limit the authority of a [magistrate judge](#) to order sanctions under any other statute, the Federal Rules of Civil Procedure, or the Federal Rules of Criminal Procedure.

(5) CRIMINAL CONTEMPT PENALTIES.—

The sentence imposed by a [magistrate judge](#) for any criminal contempt provided for in paragraphs (2) and (3) shall not exceed the penalties for a Class C misdemeanor as set forth in sections 3581(b)(8) and 3571(b)(6) of title 18.

(6) CERTIFICATION OF OTHER CONTEMPTS TO THE DISTRICT COURT.—Upon the commission of any such act—

(A) in any case in which a [United States magistrate judge](#) presides with the consent of the parties under subsection (c) of this section, or in any misdemeanor case proceeding before a [magistrate judge](#) under [section 3401 of title 18](#), that may, in the opinion of the [magistrate judge](#), constitute a serious criminal contempt punishable by penalties exceeding those set forth in paragraph (5) of this subsection, or

(B) in any other case or proceeding under subsection (a) or (b) of this section, or any other statute, where—

(i) the act committed in the [magistrate judge](#)'s presence may, in the opinion of the [magistrate judge](#), constitute a serious criminal contempt punishable by penalties exceeding those set forth in paragraph (5) of this subsection,

(ii) the act that constitutes a criminal contempt occurs outside the presence of the [magistrate judge](#), or

(iii) the act constitutes a civil contempt,

the [magistrate judge](#) shall forthwith certify the facts to a district judge and may serve or cause to be served, upon any person whose behavior is brought into question under this paragraph, an order

requiring such person to appear before a district judge upon a day certain to show cause why that person should not be adjudged in contempt by reason of the facts so certified. The district judge shall thereupon hear the evidence as to the act or conduct complained of and, if it is such as to warrant punishment, punish such person in the same manner and to the same extent as for a contempt committed before a district judge.

(7) APPEALS OF MAGISTRATE JUDGE CONTEMPT ORDERS.—

The appeal of an order of contempt under this subsection shall be made to the court of appeals in cases proceeding under subsection (c) of this section. The appeal of any other order of contempt issued under this section shall be made to the district court.

(f) In an emergency and upon the concurrence of the chief judges of the districts involved, a [United States magistrate judge](#) may be temporarily assigned to perform any of the duties specified in subsection (a), (b), or (c) of this section in a judicial district other than the judicial district for which he has been appointed. No [magistrate judge](#) shall perform any of such duties in a district to which he has been temporarily assigned until an order has been issued by the chief judge of such district specifying (1) the emergency by reason of which he has been transferred, (2) the duration of his assignment, and (3) the duties which he is authorized to perform. A [magistrate judge](#) so assigned shall not be entitled to additional compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of his duties in accordance with section 635.

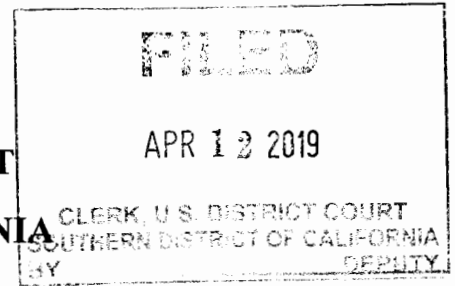
(g) A [United States magistrate judge](#) may perform the verification function required by [section 4107 of title 18](#), United States Code. A [magistrate judge](#) may be assigned by a judge of any United States district court to perform the verification required by section 4108 and the appointment of counsel authorized by [section 4109 of title 18](#), United States Code, and may perform such functions beyond the territorial limits of the United States. A [magistrate judge](#) assigned such functions shall have no authority to perform any other function within the territory of a foreign country.

(h) A [United States magistrate judge](#) who has retired may, upon the consent of the chief judge of the district involved, be recalled to serve as a [magistrate judge](#) in any judicial district by the judicial [council](#) of the circuit within which such district is located. Upon recall, a [magistrate judge](#) may receive a salary for such service in accordance with regulations promulgated by the Judicial [Conference](#), subject to the restrictions on the payment of an annuity set forth in [section 377 of this title](#) or in subchapter III of chapter 83, and chapter 84, of title 5 which are applicable to such [magistrate judge](#). The requirements set forth in subsections (a), (b)(3), and (d) of section 631, and paragraph (1) of subsection (b) of such section to the extent such paragraph requires membership of the bar of the location in which an individual is to serve as a [magistrate judge](#), shall not apply to the recall of a retired [magistrate judge](#) under this subsection or [section 375 of this title](#). Any other requirement set forth in section 631(b) shall apply to the recall of a retired [magistrate judge](#) under this subsection or [section 375 of this](#)

[title](#) unless such retired [magistrate judge](#) met such requirement upon appointment or reappointment as a [magistrate judge](#) under section 631.

(June 25, 1948, ch. 646, [62 Stat. 917](#); [Pub. L. 90-578, title I, § 101](#), Oct. 17, 1968, [82 Stat. 1113](#); [Pub. L. 92-239, §§ 1, 2](#), Mar. 1, 1972, [86 Stat. 47](#); [Pub. L. 94-577, § 1](#), Oct. 21, 1976, [90 Stat. 2729](#); [Pub. L. 95-144, § 2](#), Oct. 28, 1977, [91 Stat. 1220](#); [Pub. L. 96-82, § 2](#), Oct. 10, 1979, [93 Stat. 643](#); [Pub. L. 98-473, title II, § 208](#), Oct. 12, 1984, [98 Stat. 1986](#); [Pub. L. 98-620, title IV, § 402\(29\)\(B\)](#), Nov. 8, 1984, [98 Stat. 3359](#); [Pub. L. 99-651, title II, § 201\(a\) \(2\)](#), Nov. 14, 1986, [100 Stat. 3647](#); [Pub. L. 100-659, § 4\(c\)](#), Nov. 15, 1988, [102 Stat. 3918](#); [Pub. L. 100-690, title VII, § 7322](#), Nov. 18, 1988, [102 Stat. 4467](#); [Pub. L. 100-702, title IV, § 404\(b\)\(1\)](#), title X, § 1014, Nov. 19, 1988, [102 Stat. 4651](#), 4669; [Pub. L. 101-650, title III, §§ 308\(a\), 321](#), Dec. 1, 1990, [104 Stat. 5112](#), 5117; [Pub. L. 104-317, title II, §§ 201, 202\(b\), 207](#), Oct. 19, 1996, [110 Stat. 3848-3850](#); [Pub. L. 106-518, title II, §§ 202, 203\(b\)](#), Nov. 13, 2000, [114 Stat. 2412](#), 2414; [Pub. L. 107-273, div. B, title III, § 3002\(b\)](#), Nov. 2, 2002, [116 Stat. 1805](#); [Pub. L. 109-63, § 2\(d\)](#), Sept. 9, 2005, [119 Stat. 1995](#); [Pub. L. 111-16, § 6\(1\)](#), May 7, 2009, [123 Stat. 1608](#).)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA



In the matter of)
)
GENERAL CONSENT TO)
UNITED STATES MAGISTRATE)
JUDGE IN SOCIAL SECURITY)
CASES)
_____)

General Order No. 707

All cases in which a plaintiff seeks review, pursuant to 42 U.S.C. § 405(g), of a decision by the Commissioner of Social Security, will be randomly assigned to a United States Magistrate Judge, and District Judges who have elected to accept such cases, provided, however, that the Chief Judge may direct the reassignment of cases as necessary to assure a more equitable distribution of the Court's caseload.

I. The United States has informed the Court of its general consent to Magistrate Judge jurisdiction in cases of this nature, subject to a reservation of the right to withdraw the consent in unusual cases, and a reservation of the right to withdraw its general consent in the future. Upon the filing of all such cases, the Clerk of Court will direct a Notice of Social Security Case Assignment to all parties that:

- a. Identifies the Magistrate Judge to whom the case is assigned;
- b. Confirms that any withdrawal of consent by the United States must be filed no later than the date the United States files the administrative record;
- c. Notifies plaintiff and plaintiff's counsel of plaintiff's right to consent to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c);
- d. Provides a *consent/declination* form for plaintiff to complete and advises plaintiff that the executed form must be received by the Clerk of Court within 21 days of the date of the notice; and

- e. Advises the parties as to the Court's procedure as set forth below in the absence of plaintiff's consent.

II. If a plaintiff timely consents, and if the United States does not timely withdraw consent, the case will be deemed assigned to the Magistrate Judge for all purposes without the necessity of an order of referral. If a plaintiff does not timely consent, or if the United States timely withdraws its consent, the Clerk of Court will reassign the case to a United States District Judge. Reassigned cases will be referred, pursuant to 28 U.S.C. § 636(b)(1)(B), without further order, to the same Magistrate Judge who was initially drawn to conduct preliminary proceedings, including all pretrial, non-dispositive matters, and to issue a Report and Recommendation to the assigned District Judge, unless the District Judge directs otherwise.

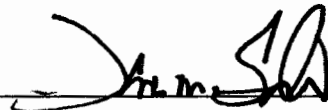
* * *

IT IS SO ORDERED.

Dated: 04/12/2019



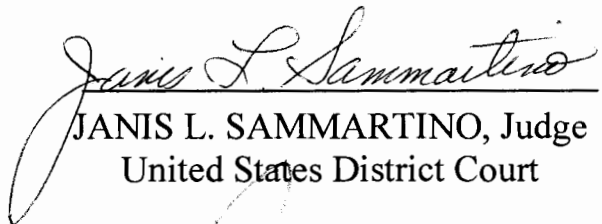
LARRY ALAN BURNS,
Chief Judge
United States District Court



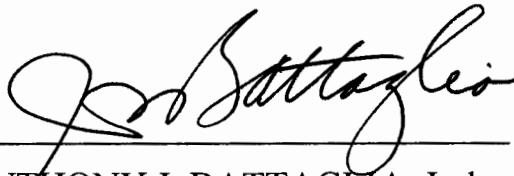
DANA M. SABRAW, Judge
United States District Court



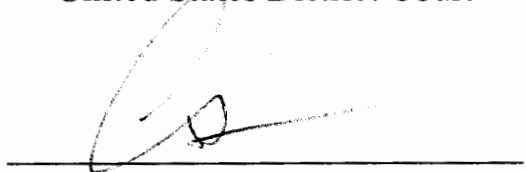
WILLIAM Q. HAYES, Judge
United States District Court



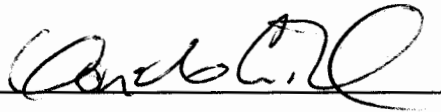
JANIS L. SAMMARTINO, Judge
United States District Court




ANTHONY J. BATTAGLIA, Judge
United States District Court



CATHY ANN BENCIVENGO,
Judge
United States District Judge



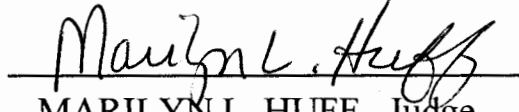
GONZALO P. CURIEL, Judge
United States District Court



CYNTHIA A. BASHANT, Judge
United States District Court



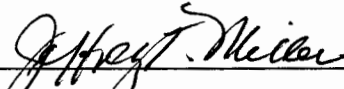
WILLIAM B. ENRIGHT., Judge
United States District Court



MARILYN L. HUFF., Judge
United States District Court

See Attached

BARRY TED MOSKOWITZ,
Judge
United States District Court



JEFFREY T. MILLER, Judge
United States District Court



THOMAS J. WHELAN, Judge
United States District Court



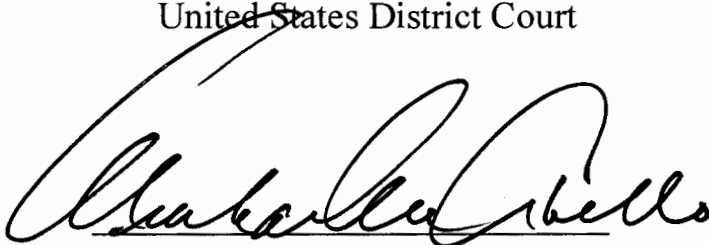
M. JAMES LORENZ, Judge
United States District Court

See Attached

JOHN A. HOUSTON, Judge
United States District Court



ROGER T. BENITEZ, Judge
United States District Court



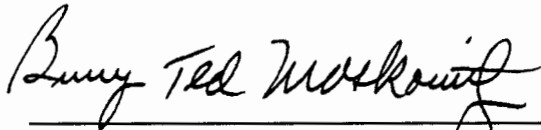
MICHAEL M. ANELLO, Judge
United States District Court

GONZALO P. CURIEL, Judge
United States District Court

CYNTHIA A. 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

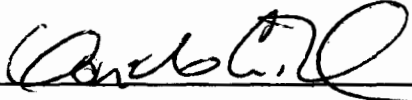
THOMAS J. WHELAN, Judge
United States District Court

M. JAMES LORENZ, Judge
United States District Court


JOHN A. HOUSTON, Judge
United States District Court

ROGER T. BENITEZ, Judge
United States District Court

MICHAEL M. ANELLO, Judge
United States District Court



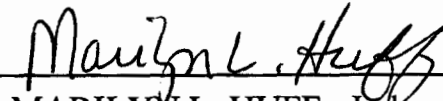
GONZALO P. CURIEL, Judge
United States District Court



CYNTHIA A. BASHANT, Judge
United States District Court

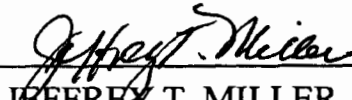


WILLIAM B. ENRIGHT., Judge
United States District Court

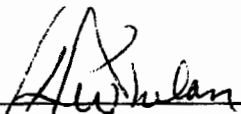


MARILYN L. HUFF., Judge
United States District Court

BARRY TED MOSKOWITZ,
Judge
United States District Court



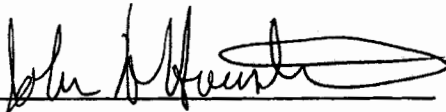
JEFFREY T. MILLER, Judge
United States District Court



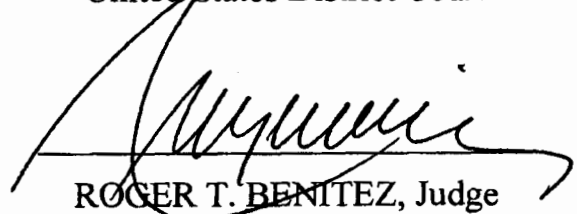
THOMAS J. WHELAN, Judge
United States District Court



M. JAMES LORENZ, Judge
United States District Court



JOHN A. HOUSTON, Judge
United States District Court



ROGER T. BENITEZ, Judge
United States District Court



MICHAEL M. ANELLO, Judge
United States District Court



U.S. Department of Justice

ROBERT S. BREWER, JR.
United States Attorney
Southern District of California

(619) 557-5690
Fax (619) 546-0720

San Diego County Office
Federal Office Building
880 Front Street, Room 6293
San Diego, California 92101-8893

Imperial County Office
516 Industry Way
Suite C
Imperial County, California 92251-5782

March 27, 2019


Hon. Larry A. Burns
Chief Judge, United States District Court
Southern District of California
333 West Broadway
San Diego, CA 92101

Re: Consent to Magistrate Judge Jurisdiction in Social Security 405(g) appeals

Dear Judge Burns,

I write to confirm that the United States intends, going forward, to consent to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c) in 42 U.S.C. § 405(g) social security disability appeals filed in this District. The United States reserves the right to withhold consent in particular cases, or to withdraw this consent in its entirety in the future. Please do not hesitate to contact me to discuss this further.

Sincerely,


ROBERT S. BREWER JR.
United States Attorney

- a. All motions for Judgment Debtor examinations made in connection with a civil or criminal judgment obtained in this district must be filed with the magistrate judge assigned to the case. All motions for Judgment Debtor examinations made in connection with an out-of-district judgment registered in this district must be filed with the magistrate judge handling CVB duty. All motions for Judgment Debtor examinations are heard weekly on Wednesday mornings on the CVB calendar.
- b. All other motions concerning execution of a judgment must be made to the assigned district judge, unless the motion relates to the post-judgment discovery, in which case the motion must be made to the assigned magistrate judge. If no judge has been previously assigned, the case will be randomly assigned to a district judge and a magistrate judge under a new Civil Number (CV).

Civil Rule 72.1 Unites States Magistrate Judges

- a. **Jurisdiction under 28 U.S.C. §636(a).** Each United States magistrate judge of this court is authorized to perform the duties prescribed by 28 U.S.C. §636(a), and may administer oaths and affirmations and take acknowledgments, affidavits and depositions.
- b. **Determination of Non-Dispositive Pretrial Matters-28 U.S.C. §636(b)(1)(A).** Pursuant to 28 U.S.C. §636(b)(1)(A) a magistrate judge will hear and determine any pretrial motions, including discovery motions, other than the dispositive motions which are specified in 28 U.S.C. §636(b)(1)(A).
- c. **Proposed Orders Regarding Case-Dispositive Motions 28 U.S.C. §636(b)(1)(B).**
 - 1. Upon the designation by district judge, a magistrate judge may submit to a district judge a proposed order containing findings of fact and recommendations for disposition by the district judge of the following pretrial motions in civil cases:
 - a) Motions for injunctive relief, including temporary restraining orders and preliminary and permanent injunctions;
 - b) Motions for judgment on the pleadings;
 - c) Motions for summary judgment;
 - d) Motions to dismiss or permit the maintenance of a class action;
 - e) Motions to dismiss for failure to state a claim upon which relief may be granted;
 - f) Motions to involuntarily dismiss an action;
 - 2. A district judge may designate a magistrate judge to conduct hearings, including evidentiary hearings, and submit proposed findings of fact and the recommendations for the disposition by the district judge of prisoner petitions challenging the conditions of confinement.
 - 3. A magistrate judge may determine any preliminary matters and conduct any necessary evidentiary hearing or other proceeding arising in the exercise of the authority conferred by this subsection.
- d. **Prisoner Cases under 28 U.S.C. §§2254 Not Involving the Death Penalty.** Unless the district judge chooses to retain a case which does not involve the death penalty, the assigned magistrate judge

is hereby designated to perform any and all of the duties specified in §2254, Rule 8.b and the rules governing proceedings in the United States District Courts under §2254 of Title 28, U.S.C. and must:

1. Receive a copy of all filings and other items submitted concerning the matter;
 2. Conduct all preliminary matters and issue any preliminary orders as deemed necessary;
 3. Conduct any necessary evidentiary hearing, pursuant to Rule 8 of the rules governing proceedings in the United States courts under §2254 of Title 28, U.S.C., or other appropriate proceedings; and
 4. Submit to a district judge of the Court a report containing proposed findings of fact and recommendations for disposition of the petition by the district judge. Any order disposing of the petition on its merits may only be made by a district judge of the Court.
- e. Prisoner Cases under 28 U.S.C. § 2254 Involving the Death Penalty and § 2255.** Upon designation by a district judge, a magistrate judge may perform the duties specified in § 2254, Rule 8.b and the rules governing proceedings in the United States District Courts under § 2254 (involving the death penalty) and § 2255 of Title 28, U.S.C. Any order disposing of the petition may only be made by a district judge.
- f. Special Master References.** A magistrate judge may be designated by a judge to serve as a special master in appropriate civil cases in accordance with 28 U.S.C. §636(b)(2) and Rule 53 of the Fed. R. Civ. P. Upon the consent of the parties, a magistrate judge may be designated by a judge to serve as a special master in any civil case, notwithstanding the limitations of Rule 53.b of Fed. R. Civ. P.
- g. Conduct of Trials and Disposition of Civil Cases Upon Consent of the Parties - 28 U.S.C. §636(c).** Upon the written consent of the parties, a full-time magistrate judge may conduct any or all proceedings in any civil case which is filed in this court, including the conduct of a jury or non-jury trial, and may order the entry of a final judgment, in accordance with 28 U.S.C. §636(c). In the course of conducting such proceedings upon consent of the parties, a magistrate judge may hear and determine any and all pretrial and post-trial motions which are filed by the parties, including case-dispositive motions.

h. Other Duties.

A magistrate judge is also authorized to:

1. Exercise general supervision of civil calendars, conduct calendar and status calls, and determine motions to expedite or postpone the trial of cases for the district judge;
2. Conduct pretrial conferences, settlement conferences and related pretrial proceedings in civil cases, and conduct summary trials or alternative dispute resolution proceedings in civil cases;
3. Conduct voir dire and select petit juries for the Court in civil cases with the consent of the parties;
4. Accept petit jury verdicts in civil cases in the absence of a district judge;
5. Issue subpoenas, writs of habeas corpus ad testificandum or habeas corpus ad prosequendum or other orders necessary to obtain the presence of parties, witnesses or evidence needed for court proceedings;

6. Order the exoneration of forfeiture bonds;
7. Conduct proceedings for the collection of civil penalties of not more than \$200 assessed under the Federal Boat Safety Act of 1971, in accordance with 46 U.S.C.;
8. Conduct examinations of judgment debtors in accordance with Rule 69 of the Fed. R. Civ. P.;
9. Conduct naturalization hearings. (All orders from any naturalization hearing must be submitted to a district judge of this court for approval.)
10. Perform any additional duty not inconsistent with the Constitution and laws of the United States.

Civil Rule 72.2 Assignment and Designation Procedures

- a. **Order of Designation and Assignment.** A matter assigned to the magistrate judges either as a matter of course by the Clerk of the United States District Court or by an order of special designation by a district judge of the Court under 28 U.S.C. §636(b) or (c), precisely stating the nature of the matter, will be assigned to a specific magistrate judge as follows:
- b. **Civil Matters.** The Clerk must assign civil matters by lot as described in Civil Local Rule 40.1. In civil matters where reference to a magistrate judge is dependent upon the consent of the parties, such as trials, the district judge may assign the matter to a particular magistrate judge selected by the parties.
- c. Upon filing, civil cases must be assigned by the Clerk to a magistrate judge. The magistrate judge must hear and determine Civil Local Rule 72.1.b pretrial motions.
- d. Where designated by a judge the magistrate judge may conduct additional pre-trial conferences and hear motions and perform the duties set forth in Civil Local Rule 72.1.c.
- e. Each magistrate judge will be designated to perform the duties set forth in Civil Local Rule 72.1.d.
- f. Where the parties consent to trial and disposition of a case by a magistrate judge under Civil Local Rule 72.1.f of these rules, such case must be set before the magistrate judge for the conduct of all further proceedings and the entry of judgment.
- g. **Notice of Hearing.** A magistrate judge assigned a matter must set the time of hearing, notify all parties and make any further necessary orders consistent with the requirements of the Local Rules of Court for the Southern District.
- h. Nothing in these rules preclude the Court, or a district judge from reserving any proceedings for conduct by a district judge, rather than a magistrate judge. The Court, moreover, may by general order modify the method of assigning proceedings to a magistrate judge as changing conditions may warrant.

Civil Rule 72.3 Assignment of §1983 Prisoner Civil Cases to United States Magistrate Judges

- a. In all of the District's civil §1983 prisoner cases, a magistrate judge will be assigned to hear and conduct proceedings designated by 28 U.S.C. § 636(b)(1), unless the district judge orders otherwise.
- b. 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. 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. 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. 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. All hearing dates for any 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 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 pursuant to 28 U.S.C. § 363(b)(1)(B) and Local Civil Rule 7.1. Unless all parties have consented, or the district judge deems them unnecessary, the magistrate judge will file his or her 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.

Civil Rule 73.1 Special Provision for the Disposition of Civil Cases by a Magistrate Judge on Consent of the Parties 28 U.S.C. §636(c)(2)

- a. **Notice.** The Clerk must notify the parties in all civil cases that they may consent to have a magistrate judge conduct any or all proceedings in the case and order the entry of a final judgment. Such notice must be handed or mailed to the plaintiff or plaintiff's representative at the time an action is filed and to other parties as attachments to copies of the complaint and summons when served. Additional

notices may be furnished to the parties at later stages of the proceedings, and may be included with pretrial notices and instructions.

- b. Execution of Consent.** The Clerk must not accept a consent form unless it has been signed by all the parties in a case. The plaintiff must be responsible for securing the execution of a consent form by the parties and for filing such form with the Clerk. No consent form will be made available, nor will its contents be made known to any judicial officer, unless all parties have consented to the reference to a magistrate judge. A district or magistrate judge may advise the parties of the availability of a magistrate judge to try a civil case or hear a civil motion by consent. However, no action must be taken to effect the voluntariness of the parties to consent or lack of consent to the magistrate judge. The district judge must also advise the parties that they are free to withhold consent without adverse substantive consequences.

Civil Rule 77.1 Location and Hours of the Clerk

The Office of the Clerk of this Court will be in the Federal Office Building at United States Courthouse Annex at 333 W. Broadway, San Diego. The office will be open to the bar and public between the hours of 8:30 a.m. and 4:30 p.m. each day except Saturdays, Sundays and court holidays. A drop-off box for filings and pleadings will be available at the 4th Floor of the United States Courthouse Annex at 333 W. Broadway, outside Room 420. Documents deposited in the drop-off box must be in a sealed envelope. Filings and pleadings deposited in the drop-off box prior to 6:00 p.m., Monday through Friday, except court holidays, will reflect the date of deposit. The United States Courthouse Annex closes promptly at 6:00 p.m., Monday through Friday, and is closed all day on weekends and court holidays. Matters requiring immediate judicial attention should never be placed in the drop-off box.

Civil Rule 77.2 Orders Grantable by Clerk

The Clerk is authorized to sign and enter orders specifically allowed to be signed by the Clerk under the Fed. R. Civ. P. and is, in addition, authorized to sign and enter the following orders without further direction of a judge:

- a.** Orders specifically appointing persons to serve process in accordance with Rule 4, Fed. R. Civ. P.
- b.** Orders on consent noting satisfaction of a judgment, providing for the payment of money, withdrawing stipulations, annulling bonds, exonerating sureties or setting aside a default.
- c.** Orders of dismissal on consent, with or without prejudice, except in cases to which Rules 23, 23.1 or 66, Fed. R. Civ. P. apply.
- d.** Orders entering default for failure to plead or otherwise defend in accordance with Fed. R. Civ. P. 55(b)(1).
- e.** Any other orders which pursuant to Fed. R. Civ. P. 77(c) do not require direction by the Court.

Civil Rule 77.3 Notice of Court Orders and Judgments

Immediately upon the entry of an order or judgment in an action within the Electronic Filing System, the Clerk will transmit to filing users a Notice of Electronic Filing. Electronic transmission of the NEF constitutes the Notice required by Fed. R. Civ. P. 77(d). The Clerk must give notice in a paper form to a