

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

Plaintiff) Civil Action No.
v.)

Defendant) Honorable
) Magistrate Judge

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.

Parties' printed names

Signatures of parties or attorneys

Dates

Reference Order

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

Date: _____

District Judge's signature

Printed name and title

Note: Return this form to the Clerk of the Court **ONLY IF** all parties have consented **ON THIS FORM** to the exercise of jurisdiction by a United States Magistrate Judge. Return the first page of this form by e-filing a PDF version under "Notices".

LR 73.1 Special Designation to Exercise Civil Consent Authority

(a) Authority of a Magistrate Judge. Upon consent of all of the parties, and upon approval of the district judge to whom the case is assigned through entry of an order of reference, a magistrate judge may conduct all proceedings in a civil case and order entry of judgment in the case.

(b) Notice of Consent Option. Upon the filing of a complaint or notice of removal in a civil case, the clerk will give the plaintiff or plaintiff's counsel or the removing defendant or removing defendant's counsel a notice/consent form (form) informing the parties that they may consent to have a magistrate judge conduct all proceedings in the case and order the entry of final judgment. The parties or their attorneys must sign the form if they consent to the exercise of dispositive authority by the magistrate judge. Plaintiff or plaintiff's counsel must attach a copy of the form to each copy of the complaint and summons served. A removing defendant or removing defendant's counsel must include the form with the notice of removal required under 28 U.S.C. §1446(a). Additional copies of the form may be furnished to the parties at later stages of the proceedings. The parties are free to withhold consent without adverse consequences, and any notice or other communication from the court under authority of this LR will so advise them. This section will not apply if the district judge so instructs the clerk.

(c) Execution of Consent. If all of the parties in a civil case consent to have the magistrate judge exercise the authority described in (a), the plaintiff or plaintiff's counsel must file with the clerk the form described in (b), signed by all parties or their attorneys. The clerk will not accept the form without all such signatures, and neither the form nor its contents may be made known or available to a district judge or magistrate judge if it lacks any signatures required under this LR. A party's decision regarding consent will not be communicated to a district judge or magistrate judge before a fully-executed form is filed. Consent in a civil case under (a) may be entered until 30 days before scheduled trial of the case unless otherwise ordered by the district judge.

(d) Reference of Civil Consent Case. Upon filing of an executed form as described in (c), the clerk will send it to the district judge. The district judge may then refer the case to the magistrate judge for all further proceedings. A magistrate judge may exercise consent jurisdiction only if the district judge enters an order specifically referring the case.

(e) Party Added After Consent Occurs. A party added to a civil case after reference of the case to a magistrate judge on consent will be given an opportunity to consent to the continued exercise of case-dispositive authority by the magistrate judge. The clerk will give the party a copy of the form described in (b). A party choosing to consent must, within 30 days of appearance, file with the clerk the form signed by the party or attorney. The case will be returned to the district judge for all further proceedings unless a form is properly signed and filed.

Comment: Review of matters referred under LR 73.1 is in the court of appeals. Review of matters referred under LR 72.1 is by the district judge.

September 08, 1998