

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION
CINCINNATI, OHIO

FILED
RICHARD W. NAGEL
CLERK OF COURT

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U.S. DISTRICT COURT
SOUTHERN DIST OHIO
WEST DIV CINCINNATI

IN RE: UNITED STATES MAGISTRATE JUDGES

GENERAL ORDER OF ASSIGNMENT AND REFERENCE

With the exception of prisoner civil rights cases, non-capital habeas corpus cases under 28 U.S.C. §§ 2241 and 2254, and appeals from decisions of the Commissioner of Social Security regarding Social Security benefits, which are governed by General Order 22-04 and General Order 22-05, all civil and miscellaneous cases filed at the Cincinnati location of court, shall be randomly assigned upon filing to one of the resident District Judges and one of the resident Magistrate Judges. The Clerk shall note the assignment on the case docket. This assignment does not constitute a reference to the assigned Magistrate Judge for any purpose, but merely selects the Magistrate Judge to whom referrals in the case, if any, shall be made.

If the parties in any such case unanimously consent to plenary Magistrate Judge jurisdiction under 28 U.S.C. § 636(c), the assigned Magistrate Judge is hereby authorized to exercise such jurisdiction in accordance with the applicable statutes and Fed. R. Civ. P. 73, and without further order of reference.

Pursuant to 28 U.S.C. § 636(b), the following categories of cases filed at the Cincinnati location of court are hereby referred to the United States Magistrate Judge to whom the case has been assigned, who is authorized to perform in each such case any and all functions authorized for full-time United States Magistrate Judges by statute except as provided herein. In each such case the Magistrate Judge shall proceed in accordance with Fed. R. Civ. P. 72.

The referred categories of cases are:

1. IRS Summonses: All cases filed pursuant to 26 U.S.C. §§ 7402(b) and 7604(a) to judicially enforce summonses issued by the Internal Revenue Services.
2. All misdemeanor cases (*see* 18 U.S.C. § 3401(a)) unless or until the person charged with the misdemeanor elects to be tried before a district judge of this Court pursuant to 18 U.S.C. § 4301(b).
3. Petty offense cases: The Magistrate Judge is authorized to conduct trials, accept pleas, and impose sentence in any petty offense case, and make such other orders in those cases as may be appropriate, including an order of dismissal or an order setting an amount for collateral forfeiture.
4. All post-judgment proceedings in aid of execution (*e.g.*, garnishment, debtors examination proceedings, writs of replevin or eviction, etc.).
5. Pro Se Cases: All cases filed by persons proceeding pro se. In such cases, the reference

shall not terminate if the plaintiff later obtains counsel unless otherwise ordered by the assigned District Judge. The Magistrate Judge is authorized to rule on all non-dispositive motions.

In addition to the five categories of cases set forth above, the Clerk shall also refer to the assigned Magistrate Judge all in forma pauperis and pro hac vice motions in cases assigned to a District Judge.

In each case in the above-described categories as well as in each above-described motion, this General Order shall act as a reference to the assigned Magistrate Judge without further order. The Clerk shall advise the parties in each such case of this General Order of Assignment and Reference and of their right to consent to plenary Magistrate Judge jurisdiction under 28 U.S.C. § 636(c).

IT IS SO ORDERED.

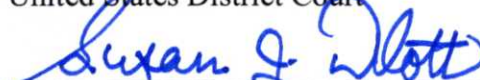


Timothy S. Black, District Judge
United States District Court

Douglas R. Cole, District Judge
United States District Court



Matthew W. McFarland, District Judge
United States District Court



Susan J. Dlott, Senior District Judge
United States District Court



Michael R. Barrett, Senior District Judge
United States District Court