

be sent to counsel for each subsequently-appearing defendant(s) after their appearance has been made.

(b) Return of Consent Forms, Voluntariness and Confidentiality. Any party deciding to proceed before a United States Magistrate Judge should sign the consent to proceed form and return it to the Clerk of Court by e-mailing the same in .pdf format to the following address: consents@id.uscourts.gov (or by mail if the pro se litigant does not have electronic mail capabilities). The Clerk of Court will keep custody of all consent to proceed forms under seal until it is determined whether all parties have consented to proceed before a Magistrate Judge. If all parties to an action consent to proceed before a Magistrate Judge, the Clerk of Court will file and docket the consent to proceed forms and the case will continue before, or be reassigned to, a Magistrate Judge. Parties are free to withhold their consent without adverse substantive consequences, and the Clerk of Court will take reasonable steps to ensure voluntariness and confidentiality of consents and requests for reassignment.

The Court HEREBY adopts the following revised Consent Procedures:

Consent Notices.

Upon the filing of the complaint, a case will be randomly assigned to one of the District Judges or Magistrate Judges for the District of Idaho, and the notices and consent to proceed forms will be sent to the parties as follows:

a. For those cases originally assigned to a United States District Judge, a Notice of Availability of a United States Magistrate Judge (“Notice of Availability”), consent to proceed form and information on the consent process will be sent by ECF to counsel for each party by the Clerk of Court at the time the first defendant appears and to subsequently-appearing defendant(s) after their appearance has been made, unless the case has been reassigned to a District Judge prior to the subsequent appearance(s). The parties shall have 60 days to return the consent to proceed form by e-mailing the same in .pdf format to the following address: consents@id.uscourts.gov, or the case will remain with the District Judge. The parties may later consent to have a Magistrate Judge hear the case. However, after the Rule 16.1 scheduling conference, the District Judge may decide to not permit reassignment if it would not be an appropriate use of judicial resources. If reassignment is ordered, the case will then be randomly reassigned to a Magistrate Judge.

b. For those cases originally assigned to a Magistrate Judge, including non-prisoner and non in forma pauperis pro se cases, a Notice of Assignment, consent to proceed form and information on the consent process will be sent by ECF to the plaintiff and counsel for the defendant by the Clerk of Court at the time the first defendant appears and to subsequently-appearing defendant(s) after their appearance has been made, unless the case has been reassigned to a District Judge prior to the subsequent appearance(s). The parties must return the consent to proceed form within 60 days of receipt or the case will be randomly reassigned to a District Judge without further notice. The form shall be e-mailed to the Clerk

of Court in .pdf format to the following address: consents@id.uscourts.gov . U.S. mail will be used if a pro se litigant does not have electronic mail capabilities.

c. For prisoner and in forma pauperis pro se cases originally assigned to a United States Magistrate Judge, a Notice of Assignment and consent to proceed form will be sent to the plaintiff by the Clerk of Court at the time the action is conditionally filed. If the case is not dismissed by the initial review order and reassignment was not requested by the plaintiff(s), the case will remain with the randomly assigned Magistrate Judge, and the Notice of Assignment and consent to proceed form will be sent to counsel for the appearing defendant(s).

d. Either a District Judge or a Magistrate Judge may order the Clerk of the Court to send a Notice of Assignment/Notice of Availability and related forms regarding consent to United States Magistrate Judge to any or all of the parties when the notice and forms are not automatically triggered by the filing of a complaint or appearance of a defendant(s), or when otherwise deemed appropriate.

Reminder Notices.

At any time after the appearance of the first defendant in a case, a District Judge, Magistrate Judge or courtroom deputy may request that the Clerk of Court send a standardized ECF docket entry reminder notice (see sample below) to all parties indicating that some parties have not yet responded to the Notice of Assignment or Notice of Availability form, requesting that they do so within the prescribed period, if any.

"NOTICE TO ALL PARTIES: All parties are requested to respond within the time frame set forth in [\[link to the previous notice of assign/avail that was sent out\]](#) pursuant to General Order # 237. If you have already consented to assignment of this case to a United States Magistrate Judge, please disregard this notice. No Judge will be informed of a party's response unless all parties have consented to the assignment of the matter to a Magistrate Judge. Unless consents from all parties are received, the case shall be randomly reassigned to a United States District Judge without further notice. **Sent to all counsel.**"

Additionally, if neither consent to Magistrate Judge nor request for reassignment to District Judge is made within approximately 45 days after a party is provided the Notice of Assignment and consent to proceed form, a docketing clerk will send an email (see sample below) to counsel for the non-responding party or parties reminding counsel that the 60-day time period is about to expire and asking counsel to promptly discuss the consent process with his or her client and complete and return the consent to proceed form or request reassignment to a District Judge.

E-Mail to Counsel: This e-mail, sent pursuant to General Order 237, is a reminder that the Court has not received your completed form in response to the Notice of Assignment/ Notice of Availability regarding consent to United States Magistrate Judge. Attached is another form. Please discuss this matter with your client and complete and return the consent to proceed form, if appropriate. As provided in Local Rule 73.1, your opportunity to consent

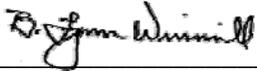
will expire if we do not receive your consent by (insert 60 ddl date).

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, including pro se or non-pro se matters, to the Magistrate Judges for further proceedings in accordance with 28 U.S.C. § 636 (a) or (b).

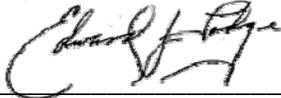
General Order 10, which automatically refers all Social Security cases to the Magistrate Judges at the time of filing, is not affected by this Order.

This General Order will become effective July 1, 2009, and will supersede General Order 216 and amend Local Civil Rule 73.1.

DATED this 15th day of June, 2009.



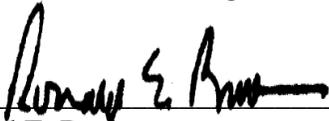
B. Lynn Winmill
Chief United States District Judge



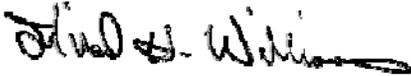
Edward J. Lodge
United States District Judge



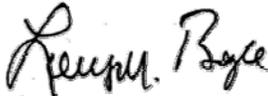
Candy Wagahoff Dale
Chief United States Magistrate Judge



Ronald E. Bush
United States Magistrate Judge



Mikel H. Williams
United States Magistrate Judge



Larry M. Boyle
United States Magistrate Judge