

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



RE: MODIFICATION OF CIVIL )  
CASE ASSIGNMENT PLAN )  
)

AMENDED  
STANDING ORDER NO. 30

In order to alleviate the backlog of civil cases, which has been created by the extremely heavy and time-consuming criminal docket of this Court, and attain the objective of the Civil Justice Reform Act of 1990 of reducing delays in the trial of civil cases, it is necessary to modify the Civil Case Assignment Plan of this District to more effectively benefit from the talents and abilities of the Magistrate Judges of this Court in the disposition and trial of civil cases. Before making this modification, the District Judges have found that Magistrate Judges L. Patrick Auld, Joi Elizabeth Peake and Joe L. Webster are fully qualified to rule upon and try any civil case arising before this Court. Accordingly:

1. Three out of each twenty-one cases (or such ratio as may be determined by the Court from time to time), excluding (1) prisoner cases, including those arising under 28 U.S.C. §§ 2254, 2255, 2241, and 1651, and 42 U.S.C. § 1983, (2) appeals from the Bankruptcy Court, (3) Multi-District Litigation cases (MDL), (4) Social Security cases, and (5) patent cases, will be randomly assigned to the Magistrate Judges to conduct all proceedings, including the ultimate trial upon consent. Each Magistrate Judge will receive an equal distribution. A District Judge will be paired with each case assigned to a Magistrate Judge at the time the case is initially assigned. The pairing of District Judges

in these cases will be rotated so that the same District Judge is not always paired with the same Magistrate Judge. The name of the District Judge paired on a particular case will not be disclosed by the Clerk's office until after the parties have determined whether to consent to the trial jurisdiction of the Magistrate Judge as provided below.

2. When all parties have made an appearance in these cases, the parties shall be given notice of this administrative assignment. The notice and forms sent to the parties shall inform them of their opportunity to consent to the trial jurisdiction of the Magistrate Judge and their duty to communicate their decision to the Clerk. The notice and forms shall be substantially in the form of the attachments to this Order.

3. The Clerk shall hold confidential the decisions of the parties on the issue of consent and shall not inform any District Judge or Magistrate Judge of the parties' responses unless all parties consent, by written affirmative response.

4. If all parties give written consent to the trial jurisdiction of a Magistrate Judge, the Clerk shall prepare for the assigned District Judge an Order of Reference pursuant to 28 U.S.C. § 636(c). On entry of such an order, the Clerk shall file the responses that have been submitted by the parties.

5. Appeal of a judgment entered by a Magistrate Judge in a case in which an Order of Reference has been made under 28 U.S.C. § 636(c) will be to the Court of Appeals for the Fourth Circuit.

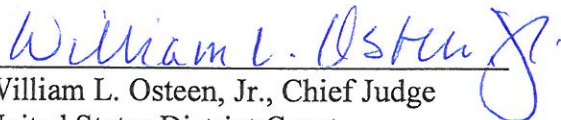
6. If all of the parties do not give written consent to the trial jurisdiction of the Magistrate Judge, the Magistrate Judge to whom the case is assigned will rule or make


recommendations upon all motions, both non-dispositive and dispositive, as provided in 28 U.S.C. § 636(b). If either party objects to a decision of the Magistrate Judge, the objection will be ruled upon by the District Judge paired with the Magistrate Judge.

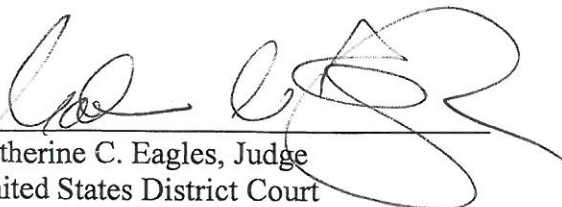
7. This rule shall be interpreted and enforced so as to protect the voluntariness of the parties' consent. No official of the Court shall take any action that implies that there will be adverse substantive consequences if consent is withheld.

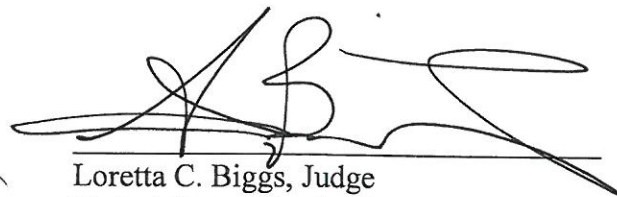
8. This Order is effective upon a date provided to the Clerk by the Chief District Judge.

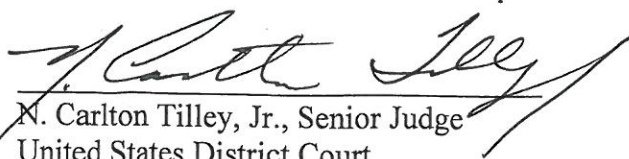
This the 21<sup>st</sup> day of September, 2016.

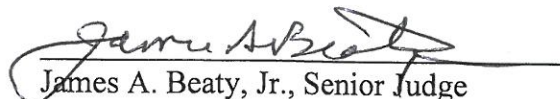
  
William L. Osteen, Jr., Chief Judge  
United States District Court

  
Thomas D. Schroeder, Judge  
United States District Court

  
Catherine C. Eagles, Judge  
United States District Court

  
Loretta C. Biggs, Judge  
United States District Court

  
N. Carlton Tilley, Jr., Senior Judge  
United States District Court

  
James A. Beaty, Jr., Senior Judge  
United States District Court