

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
WESTERN DIVISION**

**PROCEDURES AND OTHER INFORMATION  
FOR COMPLETING THE FORM FOR  
CONSENT OR REFUSAL OF MAGISTRATE JUDGE JURISDICTION**

February 13, 2012

**I. AUTHORITY**

The Western Division sitting in Springfield has entered a Standing Order dated February 13, 2012, amending the Standing Order of January 7, 2005, authorizing the assignment of civil cases to the Magistrate Judge. This Order may be found on the web page for the Springfield office on the court's website at <http://www.mad.uscourts.gov/springfield/springfield-home.htm>.

**II. PROCESS**

**For counsel and non-prisoner *pro se* litigants:**

As the party initiating the civil action, you are responsible for serving the Western Division's standing order of February 13, 2012, and the consent/refusal form on all opposing parties. You are also responsible for contacting these attorneys or parties to inquire as to their consent or refusal to proceed before the Magistrate Judge.

While consent to the assignment of the case to the Magistrate Judge is entirely voluntary, and no adverse substantive consequences of any kind will redound to an attorney or party refusing to consent, submission of the executed form, memorializing consent or refusal to consent to final assignment to the Magistrate Judge, is mandatory.

The document does not need to have a handwritten signature from each attorney or party.

If the consent is unanimous you may enter an electronic signature on the consent form for each attorney or party in this style: '/s/ John Smith' (see the Court's CM/ECF Administrative Procedures for further information on electronic signatures). You may use multiple sheets if additional space is needed. The consent form is also available on the Court's web page. An example of a completed form is attached to these procedures.

Should any party not consent, you should electronically file the form, after completing just the bottom part of the form.

**NOTE: The Court is not to be made aware of which party or parties did not consent to the Magistrate Judge's jurisdiction.**

**Only one consent/refusal form should be filed for the case by counsel and non-prisoner *pro se* litigants.**

The consent or refusal is to be filed electronically in the Court's CM/ECF system, using one of these selections, found under the 'Other Documents' menu: '**Consent to Jurisdiction by**

## **US Magistrate Judge,’ or ‘Refusal of Consent to Proceed Before a US Magistrate Judge.’**

Non-prisoner *pro se* litigants who do not have access to the Court’s electronic filing system are to file the completed consent or refusal with the Clerk’s Office on paper.

### **For incarcerated *pro se* litigants and counsel in those cases:**

The packet of materials regarding Consent or Refusal to Magistrate Judge jurisdiction will be issued by the Clerk’s Office with the appropriate summons or service order. It will be the responsibility of the *pro se* litigant to serve this notice along with the Summons and Complaint or Notice of Removal.

The Clerk’s Office will include this notice and accompanying documents with any Service Order entered in 28 U.S.C. § 2241 or 28 U.S.C. § 2254 actions filed by *pro se* petitioners.

While consent to the assignment of the case to the Magistrate Judge is entirely voluntary, and no adverse substantive consequences of any kind will redound to an attorney or party refusing to consent, submission of the executed form, memorializing consent or refusal to consent to final assignment to the Magistrate Judge, is mandatory.

Prisoner *pro se* litigants and counsel for opposing parties do not need to confer, but shall file separate documents, on paper and clearly marked “DO NOT SCAN” directly with the Clerk’s Office indicating their consent or refusal to the Magistrate Judge’s jurisdiction. The Clerk’s Office will gather the information, and make the appropriate docket entry, based on the documents filed. The original documents relating to consent or refusal filed by any party in a litigation involving an incarcerated *pro se* litigant will not be attached to the electronic (CM/ECF) docket, but stored in the paper case file.

### **III. CONSENT AND FURTHER PROCEEDINGS**

Should all parties consent to the Magistrate Judge’s jurisdiction, the case will continue before the Magistrate Judge as any other civil case, including bench or jury trial, and the entry of final judgment, with direct review by the First Circuit Court of Appeals if any appeal is filed. See 28 U.S.C. § 636(c).

### **IV. ADDITIONAL PARTIES**

Counsel or *pro se* parties filing a pleading that adds additional parties to the civil action are responsible for serving the General Order and the consent form with that pleading, and then filing the consent form, except for *pro se* prisoner litigants, who shall file the instructions above.

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

ABC TRUCKING COMPANY

Plaintiff

v.

Civil Action No. 08-10356

MARY ALICE JONES

Defendant

**NOTICE**

This case has been assigned to Magistrate Judge \_\_\_\_\_ for all purposes. Please read the attached General Order for further information regarding this assignment. Plaintiff, or defendant if the case is initiated by a Notice of Removal, is responsible for submitting this form to the Court advising that all parties consent to the Magistrate Judge's jurisdiction, or indicating that the consent is not unanimous. One document is to be filed.

While consent to the assignment of the case to the Magistrate Judge is entirely voluntary, and no adverse substantive consequences of any kind will redound to an attorney or party refusing consent, submission of this executed form, memorializing consent or refusal to the final assignment to the Magistrate Judge is mandatory. This document is to be electronically filed with the Court within thirty days after the date of service on the last party.

**CONSENT TO PROCEED BEFORE A U.S. MAGISTRATE JUDGE  
(To Be Completed Only If All Parties Consent)**

In accordance with 28 U.S.C. § 636(c) and Rule 73(b) of the Federal Rules of Civil Procedure, the undersigned *pro se* party or counsel of record consent to have the above named Magistrate Judge conduct all further proceedings in this case, including bench or jury trial, and order the entry of final judgment, with direct review by the First Circuit Court of Appeals if any appeal is filed.

Party Represented	Signature	Date
ABC Trucking Company	/s/ Phyllis Q. Harrison	1/15/08
Mary Alice Jones	/s/ George S. Britt	1/16/08

(If additional space is needed, additional forms may be attached)

-- OR --

**REFUSAL TO CONSENT TO PROCEED BEFORE A U.S. MAGISTRATE JUDGE  
(To Be Completed If Any Party Declines to Consent - Please **DO NOT** Identify the Party)**

In accordance with General Order 07-4 , dated December 4, 2007, and as modified by General Order 09-3 (dated March 3, 2009), General Order 10-1 (dated February 2, 2010) and the Standing Order of February 13, 2012 for cases pending in the Western Division, the parties advise the Court that at least one party does not consent to the Magistrate Judge's jurisdiction.

The case will be randomly assigned to a U.S. District Judge for further proceedings. If you elect to have the case proceed before a U.S. District Judge, the above named Magistrate Judge shall continue to be assigned to this case to hear matters referred by the District Judge, in accordance with 28 U.S.C. § 636(b) and Rule 72 of the Federal Rules of Civil Procedure.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Plaintiff or Removing Party  
(through counsel, if appropriate)

BBO # \_\_\_\_\_  
Address: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

ABC TRUCKING COMPANY

Plaintiff

v.

Civil Action No. 08-10356

MARY ALICE JONES

Defendant

**NOTICE**

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Dated: 1/15/08

/s/ Phyllis Q. Harrison  
Plaintiff or Removing Party  
(through counsel, if appropriate)

BBO # 123456  
Address: 9004 Main Street  
Cambridge, MA 02138

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

\_\_\_\_\_  
Plaintiff

v.

Civil Action No. \_\_\_\_\_

\_\_\_\_\_  
Defendant

**NOTICE TO PARTIES IN *PRO SE* PRISONER LITIGATION CASES  
DO NOT SCAN**

This case has been assigned to Magistrate Judge \_\_\_\_\_ for all purposes. Please read the attached General Order for further information regarding this assignment. Each party is responsible for submitting this form to the Court advising that all parties consent to (or refuse) the Magistrate Judge's jurisdiction. Each party is to file their consent or refusal on paper, with the Clerk's Office clearly marked as **DO NOT SCAN**.

While consent to the assignment of the case to the Magistrate Judge is entirely voluntary, and no adverse substantive consequences of any kind will redound to an attorney or party refusing consent, submission of this executed form, memorializing consent or refusal to the final assignment to the Magistrate Judge is mandatory. This document is to be filed on paper with the Clerk's Office within thirty days after the date of service on the last party.

**CONSENT TO PROCEED BEFORE A U.S. MAGISTRATE JUDGE**

In accordance with 28 U.S.C. § 636(c) and Rule 73(b) of the Federal Rules of Civil Procedure, the undersigned *pro se* party or counsel of record consents to have the above named Magistrate Judge conduct all further proceedings in this case, including bench or jury trial, and order the entry of final judgment, with direct review by the First Circuit Court of Appeals if any appeal is filed.

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(To Be Completed If the Party Declines to Consent)**

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Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

BBO #  
Address: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_