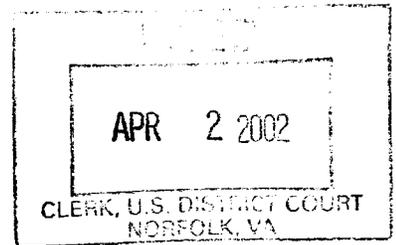


UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Norfolk and Newport News Divisions



STANDING ORDER ON ASSIGNMENT OF CERTAIN MATTERS  
TO UNITED STATES MAGISTRATE JUDGES

The purpose of this standing order is to provide direction to the Clerk for assignment of matters to United States Magistrate Judges ("Magistrate Judge") in the Norfolk and Newport News Divisions of this court. Nothing in this order shall preclude a United States District Judge ("District Judge") from reserving or, subject to the provisions of 28 U.S.C. § 636(c)(4), withdrawing any proceeding for conduct by a District Judge rather than a Magistrate Judge. A District Judge may modify this order as to any particular case or accept any case for assignment as he or she may deem appropriate.

I. Misdemeanor Cases

- A. All misdemeanor cases will be assigned for trial and sentencing to a Magistrate Judge who will proceed in accordance with the provisions of 18 U.S.C. § 3401 and Rule 58 of the Federal Rules of Criminal Procedure.
- B. The established misdemeanor dockets in Norfolk and Newport News will be rotated equally among the Magistrate Judges.
- C. Misdemeanor cases that are not part of an established docket will be assigned to a Magistrate Judge by the court's computer case assignment system.

II. Arraignments and grand jury sessions shall be assigned to a Magistrate Judge whenever possible and rotated equally among the Magistrate Judges.

III. Felony Cases

- A. The assigned District Judge may specifically direct the assigned Magistrate Judge to submit a report containing proposed findings of fact and recommendations for disposition by the District Judge of the following pretrial matters in felony criminal cases:
1. Motions to dismiss or quash an indictment or information made by a defendant.
  2. Motions to suppress evidence in a criminal case.
- B. The assigned District Judge may refer pretrial procedural and discovery motions to the assigned Magistrate Judge for a hearing and determination of the motions. The Magistrate Judges will rotate duties related to complaints, arrests, search warrants, and other applications from the United States Attorney and law enforcement officers equally among themselves.
- C. Upon direction of the District Judge assigned to the case, the assigned Magistrate Judge is authorized, with the consent of the defendant, to conduct the proceedings required by Federal Rule of Criminal Procedure 11 incident to the making of a plea. See 28 U.S.C. § 636(b)(1), United States v.

Dees, 125 F.3d 261 (5<sup>th</sup> Cir. 1997). If the assigned Magistrate Judge is not available, then the Magistrate Judge on criminal duty may conduct the guilty plea proceeding.

The defendant may consent to the Magistrate Judge conducting the proceeding on a form provided by the Clerk.

If, after conducting such proceeding, the Magistrate Judge recommends that the plea of guilty be accepted, a presentence investigation and report will be ordered pursuant to Federal Rule of Criminal Procedure 32 and a sentencing date scheduled on the calendar of the assigned District Judge. The assigned District Judge will then act on the Magistrate Judge's report and recommendation at the scheduled sentencing; if the plea of guilty is accepted, the assigned District Judge will adjudicate guilt and decide whether to accept or reject any associated plea agreement, and will determine and impose sentence.

#### IV. Civil Cases

- A. Nondispositive Matters - 28 U.S.C. § 636(b)(1)(A). Unless otherwise directed by the assigned District Judge, the Clerk shall assign to the assigned Magistrate Judge, for hearing and determination, procedural and discovery motions and other nondispositive pretrial matters in civil cases, as required for speedy disposition of the motions.

B. Case-Dispositive Motions-28 U.S.C. § 636(b)(1)(B).  
The assigned District Judge may specifically direct the assigned Magistrate Judge to submit a report containing proposed findings of fact and recommendations for disposition by the District Judge of the following pretrial matters in civil cases:

1. Motions for injunctive relief, including temporary restraining orders and preliminary permanent injunctions.
2. Motions for judgment on the pleadings.
3. Motions for summary judgment.
4. Motions to dismiss or permit the maintenance of a class action.
5. Motions to dismiss for failure to state a claim upon which relief may be granted.
6. Motions to involuntarily dismiss an action.
7. Motions for review of default judgment.
8. Other matters that the assigned District Judge may determine that could be appropriately handled by a report and recommendation from the assigned Magistrate Judge.

The Magistrate Judge may determine any preliminary matters and conduct any necessary evidentiary hearing or other proceedings arising in the exercise of the authority conferred by a referral under this section.

C. Conduct of trial and disposition of civil cases upon consent of the parties. 28 U.S.C. § 636(c).

The Clerk shall notify the assigned District Judge when all parties have consented to the trial of a civil case before the assigned Magistrate Judge. The District Judge will determine whether such a case should be handled by the Magistrate Judge. If the case is assigned by the District Judge to the Magistrate Judge, then the Magistrate Judge may hear and determine all matters, including pretrial and post-trial motions, and case-dispositive motions, to the fullest extent of the law.

V. The below-designated matters shall be assigned in rotation to the full-time Magistrate Judges in Norfolk and Newport News. However, if a person had previously filed a claim and it had been assigned to a Magistrate Judge or a District Judge on a prior occasion, a departure from the rotation to assign a new action from the same claimant to the same judge is authorized. These matters include:

- A. Habeas corpus cases under 28 U.S.C. § 2254.
- B. Evidentiary hearings in prisoner cases under 42 U.S.C. § 1983.
- C. Social Security Cases.

IT IS SO ORDERED.

Norfolk, Virginia

April 1, 2002