

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

STANDING REFERRAL ORDER
RE: CIVIL ACTIONS ASSIGNED TO
JUDGE RICHARD A. SCHELL

Pursuant to 28 U.S.C. § 636 and the Local Rules of Court for the Assignment of Duties to United States Magistrate Judges, it is ORDERED:

CASES REFERRED

1. Twenty (20%) percent of selected civil actions filed in the Sherman Division of the Eastern District of Texas on or after February 9, 2004 and assigned to United States District Judge Richard A. Schell are hereby referred to United States Magistrate Judge Don D. Bush for all pretrial proceedings.

PRETRIAL PROCEEDINGS

2. Judge Bush shall handle all pretrial proceedings in cases referred under paragraph 1. This shall include:

- a. hear and determine all matters within the magistrate judges' dispositive jurisdiction;
- b. proceed in accordance with 28 U.S.C. § 636(b)(1)(B) and (C) concerning matters excepted from magistrate judges' dispositive jurisdiction in 28 U.S.C. § 636(b)(1)(A); and
- c. after the proposed final pretrial order has been tendered to the court by the parties, in those cases in which the parties have not consented to the Magistrate Judge, the Magistrate Judge shall issue a report to the District Judge indicating that the case is ready for a final pretrial conference and trial.

Upon receipt of the report, the referral under paragraph 1 shall be withdrawn and the case shall be returned to the undersigned for all further proceedings and entry of judgment.

CONSENT

3. Upon receipt of signed consent forms by all parties, the case shall be reassigned to Judge Bush who shall conduct all proceedings, including jury and non-jury trials, and order the entry of judgment.

Referral Procedure

4. Cases assigned to Judge Schell and referred to Judge Bush under this Order shall be selected randomly by the clerk.

5. In the event of recusal or other disqualification of the Magistrate Judge in a case referred and assigned under this order, the case shall return automatically to the docket of the undersigned, subject to further orders of the court.

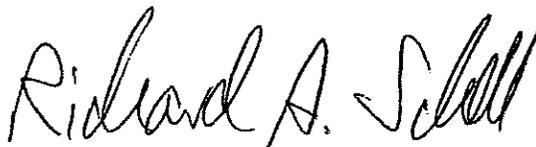
6. Case referrals pursuant to paragraph 1, case reassignments under paragraph 3, and withdrawals of references under paragraphs 2 and 5 shall be effected automatically under this order. Absent special circumstances, case-specific orders of reference, reassignment and withdrawal shall not be entered.

7. Prisoner suits (habeas corpus and civil rights), social security appeals and bankruptcy appeals are not subject to the provisions of this order. Similarly, this order does not affect pre-existing general standing orders or other established procedures for reference to magistrate judges of special category case (e.g., preliminary motions to proceed *in forma pauperis* and for appointment of counsel in Title VII cases, all pro se actions, matters on the miscellaneous docket, etc.)

8. Nothing herein shall preclude reference of additional matters to the Magistrate Judge or the withdrawal of references in cases subject to this order whenever appropriate.

This Order shall become effective on cases filed on or after February 9, 2004.

SIGNED this 9th day of February, 2004.

A handwritten signature in cursive script that reads "Richard A. Schell". The signature is written in black ink and is positioned above a horizontal line.

RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE