

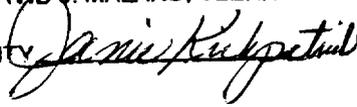
FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

JUN 27 1994

PARIS DIVISION

DAVID J. MALAND, CLERK

BY DEPUTY 

**ORDER DESIGNATING
MAGISTRATE JUDGES IN
JUDGE JUSTICE'S COURT
IN PRISONERS' PROCEEDINGS**

Hereafter, in each civil proceeding allotted to the undersigned judge that involves a prisoner or prisoners seeking leave to proceed *in forma pauperis*, the Honorable Robert W. Faulkner, United States Magistrate Judge shall be, and is hereby, **DESIGNATED** to determine whether, congruent with 28 U.S.C. § 1915(d), the prisoner's financial status is such as to authorize the commencement and prosecution of the proceeding without prepayment of fees and costs or security therefor.

Further, if it is adjudged that plaintiff is authorized to proceed *in forma pauperis*, Magistrate Judge Faulkner is, in accordance with 28 U.S.C. § 636(b)(1)(A), hereby **DESIGNATED** to hear and determine any other pretrial matters pending in such proceeding, except for a motion for injunctive relief, for judgment on the pleadings, for summary judgment, to dismiss or to permit a class action, to dismiss for failure to state a claim upon which relief can be granted, and to involuntarily dismiss such action.

Further, in relation to such proceeding, Magistrate Judge Faulkner shall be, and hereby is, **DESIGNATED**, in compliance with 28 U.S.C. §636(b)(1)(B), to conduct such hearings, including evidentiary hearings and hearings conformable to *Spears v. McCotter*, 766 F.2d 179 (5th Cir. 1985), and *Flowers v. Phelps*, 956 F.2d 488 (5th Cir. 1992), as he may consider necessary, and

thereafter to submit to the undersigned judge proposed findings of fact and recommendations for the disposition, by the undersigned judge, of any matters that are excepted in the second paragraph of this order, which may include, without limitation, a recommendation as to whether such proceeding should be dismissed for frivolousness or maliciousness under 28 U.S.C. § 1915(d).

Further, Magistrate Judge Faulkner shall file proposed findings and recommendations pertaining to any of the matters alluded to in the third paragraph of this order with the Clerk of the court, and a copy shall be mailed to all parties, forthwith, by certified mail (return receipt requested).

Finally, issuance of summons is not required, in the event the application to proceed *in forma pauperis* is granted; instead, summons shall be issued only when so ordered by the Magistrate Judge, who shall have discretion to determine if and when it is appropriate.

It is so **ORDERED**.

SIGNED this 24th day of June, 1994.



William Wayne Justice
United States District Judge