

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

**GENERAL ORDER REFERRING PRISONER CIVIL CASES**

Pursuant to Title 28 U.S.C. § 636(b)(1) and (3) and Appendix B, the Local Rules of Court for the Assignment of Duties to U.S. Magistrate Judges, it is ORDERED that all prisoner civil cases shall be referred to a magistrate judge who serves in the division where the case was filed. This includes all pending prisoner cases. In divisions which have more than one assigned magistrate judge, the magistrate judge shall be randomly selected by the U.S. district clerk. If the parties consent to disposition by a magistrate judge, the action shall be reassigned automatically to the referral magistrate judge, who shall conduct any and all proceedings and order entry of judgment in the case.

In cases where the parties have not consented to disposition by the magistrate judge, the referral magistrate judge is designated to hear and determine all pre-trial matters and motions in connection with such suits except those motions excepted in 28 U.S.C. § 636(b)(1)(A). In non-consent cases, the magistrate judge is designated to conduct hearings, including evidentiary hearings, and to submit to the presiding judge findings of fact and recommendations for the disposition of all matters excepted under 28 U.S.C. § 636(b)(1)(A).

A judge may opt out of this general order by entering an order.

SIGNED this 22<sup>nd</sup> day of February, 2005.

**FOR THE COURT:**

  
Thad Heartfield, Chief Judge