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TX EASTERN-BEAUMONT
BY

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

REFERRAL ORDER RC-72.2 CIVIL ACTIONS ASSIGNED TO JUDGE RON CLARK

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. Except for patent infringement cases, fifteen per cent (15%) of the civil actions filed in the Lufkin Division of the Eastern District of Texas after the date of this order and assigned to Ron Clark, United States District Judge, are hereby **REFERRED** to the full-time United States Magistrate Judges stationed in Tyler for all pretrial proceedings.

PRETRIAL PROCEEDINGS

2. The assigned Magistrate Judge shall handle <u>all pretrial proceedings</u> in cases referred under paragraph 1. This shall include:

a. hearing and determining all matters within the magistrate judge's dispositive jurisdiction;

b. proceeding in accordance with 28 U.S.C. §636(b)(1)(B) and (C) concerning matters excepted from the magistrate judge's dispositive jurisdiction under 28 U.S.C. §636(b)(1)(A); and

c. issuing a report to the District Judge indicating that the case is ready for trial, after approval of the final pretrial order, in those cases in which the parties have not consented to the Magistrate Judge's jurisdiction.

Upon receipt of the report, the referral under paragraph 1 shall be withdrawn, and the case shall be returned to the undersigned for all further proceedings and entry of judgment.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 the Magistrate Judge, who shall conduct all proceedings, including jury and non-jury trials, and order the entry of judgment.

REFERRAL PROCEDURE

4. Cases referred to the Magistrate Judges under this order shall be selected randomly and in equal proportions to each judge.

5. The Clerk of Court shall administer the random referrals and case assignments to the Magistrate Judges according to procedures devised by the Clerk and approved in advance by the undersigned.

6. In order to protect the integrity of the random case assignment procedure, the Clerk shall take steps to ensure that every case referral shall be free from actual or potential influence or manipulation by any litigant, counsel, member of the public, or court staff member.

7. 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.

8. Case referrals pursuant to paragraph 1, case reassignments under paragraph 3, and withdrawals of referrals under paragraphs 2 and 7 shall be effected automatically under this order. Absent special circumstances, case-specific orders of reference, reassignment and withdrawal shall not be entered.

9. This order does not affect General Orders 05-4, 05-5, 05-6, 05-7 and 05-8 or other established procedures for referral to magistrate judges of special category cases (*e.g.,* preliminary motions to proceed *in forma pauperis* and for appointment of counsel in Title VII cases, prisoner cases, matters on the miscellaneous docket, *etc.*).

10. Nothing herein shall preclude reference of additional matters to the Magistrate Judges or the withdrawal of referrals in cases subject to this order whenever appropriate.

This order shall become effective on cases filed on or after the date of this order.
Signed this 24th day of February, 2005.

Ron Clark, United States District Judge