

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

**REFERRAL ORDER RG-72  
CIVIL ACTIONS ASSIGNED TO JUDGE RODNEY GILSTRAP**

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

**CASES REFERRED**

1. 60% of all civil actions filed in the Marshall Division of the Eastern District of Texas and assigned to United States District Judge Rodney Gilstrap are hereby referred to United States Magistrate Judge Roy S. Payne for all pretrial proceedings.

**PRETRIAL PROCEEDINGS**

2. Judge Payne will handle all pretrial proceedings in cases referred under Paragraph 1. This shall include:
  - a. Hear and determine all matters within the Magistrate Judge's dispositive jurisdiction;
  - b. Proceed 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. After the Magistrate Judge has conducted the pretrial conference, in those cases in which the parties have not consented to trial before the Magistrate Judge, the Magistrate Judge shall issue a report to the District Judge indicating that the case is ready for jury selection 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 Upon receipt of the report, the referral under Paragraph 1 shall be withdrawn, and the case shall be returned to the undersigned for all further proceedings and entry of judgment.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 Payne, who will conduct all proceedings, including jury and non-jury trials and the resulting entry of judgment.

### **REFERRAL PROCEDURE**

4. 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.
5. Case referrals pursuant to Paragraph 1, case reassignments under Paragraph 3, and withdrawals of referrals under Paragraphs 2 and 4 shall be effected automatically under this Order. Absent special circumstances, case-specific orders of reference, reassignment, and withdrawals shall not be entered.
6. This order does not affect General Orders 05-4, 05-5, 05-6 and 05-7 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.)

7. 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.
8. This Order shall become effective upon January 1, 2014 and shall remain in effect until further order of this Court.

**So ORDERED and SIGNED this 11th day of December, 2013.**

  
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RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE