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THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

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IN THE MATTERS OF ASSIGNMENT  
OF PRISONER CASES AND  
REFERRAL OF CASES WHICH DO  
NOT CONSENT TO MAGISTRATE  
JUDGE JURISDICTION

GENERAL ORDER  
23-003

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The recently enacted DUCivR 72-4 made many clarifications of the ability of magistrate judges to preside in civil cases. These changes have generally been very beneficial.

**Pro Se Prisoner Cases:** In small part, section (b)(1)(A) of the new rule superseded the provision of [General Order 20-034](#) that pro se prisoner cases “should not be directly assigned to magistrate judges.” Experience over the last few months (since enactment of the rule) has shown that reversion to previous practice is needed. The specialized work of the court staff that handle prisoner litigation and workflow of those cases have been impacted in unanticipated ways. The court will return to the practice of not assigning cases filed by unrepresented prisoners to magistrate judges.

**Automatic Referral by District Judges:** Under DUCivR72-4(d)(2)(A), any civil case assigned to a magistrate judge off the wheel which does not obtain consent to the magistrate judge is reassigned to a district judge and automatically referred to the same magistrate judge. This was also the practice for non-prisoner pro se cases under [General Order 20-034](#). However, district judges may wish to opt out of the automatic referral.

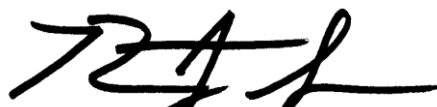
The Chief Judge is responsible under DUCivR 83-1 “for the supervision of the assignment of civil cases to the judges of the court.” This order is issued under that authority.

IT IS HEREBY ORDERED that:

1. Effective immediately, the Clerk of Court will:
  - a. no longer assign cases filed by unrepresented prisoners to magistrate judges under DUCivR 72-4(b)(1)(A);
  - b. no longer refer cases filed by unrepresented prisoners to magistrate judges under DUCivR 72-4(d)(2)(A);
  - c. reassign to randomly selected district judges any cases filed by unrepresented prisoners that are currently assigned to a magistrate judge pending consent; and
  - d. vacate references of cases filed by unrepresented prisoners to magistrate judges which have been made under DUCivR 72-4(d)(2)(A).
2. A district judge may direct the clerk’s office to not enter automatic referrals under DUCivR 72-4(d)(2)(A) in all or some cases.
3. The court directs the Advisory Committee on the Local Rules of Practice to amend DUCivR 72-4 to be consistent with this General Order when the local rules are next amended.

SO ORDERED this 16<sup>th</sup> day of February, 2022.

BY THE COURT:



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ROBERT J. SHELBY  
CHIEF UNITED STATES DISTRICT JUDGE