

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

MISC. NO. 3:09 MC 45

FILED
CHARLOTTE, NC

APR - 2 2009

U.S. DISTRICT COURT
WESTERN DISTRICT OF NC

IN RE: ASSIGNMENT OF CIVIL AND CRIMINAL CASES AND
MOTIONS TO MAGISTRATE JUDGES IN THE CHARLOTTE DIVISION

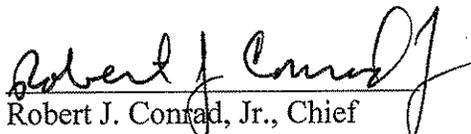
ORDER

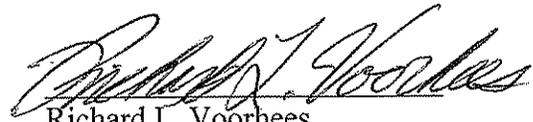
This matter is before the Court on its own motion regarding the assignment of civil and criminal cases and motions to magistrate judges. This Order applies only to cases and motions in the Charlotte Division and is effective *April 2, 2009*.

1. General division of cases between magistrate judges shall be according to docket number. Odd numbered cases shall be assigned to Magistrate Judge Keesler, and even numbered cases shall be assigned to Magistrate Judge Cayer.
2. Notwithstanding primary case or motion assignment per the odd/even docket number system set forth above, either magistrate judge is authorized to handle proceedings in a case primarily assigned to the other. Specifically, a "Duty Magistrate" system whereby the magistrate judges alternate weeks in and out of court (and handle miscellaneous requests of agents and others for complaints, warrants, orders, or other process) is authorized and approved. Further, the magistrate judges are fully authorized to handle work for each other as schedules or the press of other responsibilities shall require.
3. Pursuant to 28 U.S.C. §§ 636(b) and 636(c) and previous orders of this Court with respect to Magistrate Judge Cayer and Magistrate Judge Keesler, they are authorized:
 - a) To enter a final order on any non-dispositive pretrial motion, subject only to review by the District Court for clear error (if properly appealed);
 - b) To make findings of fact, conclusions of law, and to recommend disposition of any dispositive motion through submission of Memoranda and Recommendations to the district judge to whom the case is assigned;

- c) To enter a final order in civil cases on any dispositive motion on which there has been consent by all parties to proceed before a magistrate judge;
 - d) To accept guilty pleas or conduct trials on misdemeanor and petty offenses for which the maximum term of imprisonment is one year or less, if the defendant has consented to proceed before a magistrate judge;
 - e) To accept recommended pleas of guilty on felony cases if the defendant has consented to proceed before a magistrate judge;
 - f) To accept returns of true bills of indictment from the Grand Jury; and
 - g) To conduct civil jury and non-jury trials in any case where the parties have consented to proceed before a magistrate judge.
4. The Clerk and the magistrate judge shall insure that parties to all civil actions are aware that they may consent to proceed before a magistrate judge pursuant to 28 U.S.C. § 636(c). Forms for that purpose shall be made readily available to counsel in the Clerk's Office. Upon execution of a consent to proceed by counsel for all parties, the appropriate magistrate judge shall be promptly notified and the case shall thereafter be transferred to the magistrate judge for all further proceedings.

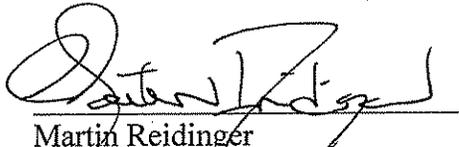
SO ORDERED, this 1 day of April, 2009.

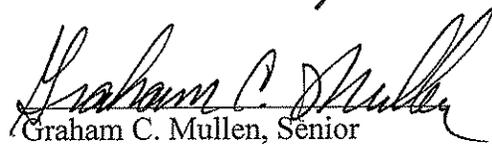

Robert J. Conrad, Jr., Chief
United States District Judge


Richard L. Voorhees
United States District Judge


Lacy H. Thornburg
United States District Judge


Frank D. Whitney,
United States District Judge


Martin Reidinger
United States District Judge


Graham C. Mullen, Senior
United States District Judge