

FILED
CHARLOTTE, N. C.

MAY 18 2004
PSW

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE AND STATESVILLE DIVISIONS
MISCELLANEOUS NO. 3:04mc67**

DISTRICT COURT
W. DIST. OF N. C.

ORDER

**IN RE: HONORABLE RICHARD L. VOORHEES, PRESIDING JUDGE
REFERRALS TO MAGISTRATE JUDGES IN THE
CHARLOTTE AND STATESVILLE DIVISIONS**

THIS MATTER is before the Court on its own motion regarding the referral of motions, and other designated duties, to Magistrate Judges serving in this district pursuant to 28 U.S.C. § 636.

REGARDING CRIMINAL CASES, IT IS HEREBY ORDERED THAT pursuant to 28 U.S.C. §§636(a) and (b), and Local Rule LCrR57.1, the Magistrate Judges shall be specifically referred the following duties in criminal cases assigned to the Honorable Richard L. Voorhees:

- 1) 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;
- 2) To accept tendered guilty pleas on felony offenses subject to acceptance by the District Court;
- 3) On a case-by-case basis, and for the convenience of the parties, the undersigned may accept guilty pleas in Statesville Division cases during regularly scheduled terms of court in the Statesville Division;
- 4) To enter a final order on any non-dispositive criminal pretrial motions, subject only to review by the District Court for clear error (if properly appealed);
- 5) To make findings of fact, conclusions of law, and to recommend disposition of any dispositive criminal motion, excluding motions to suppress evidence, through submission of Memorandum and Recommendation to the District Judge;

6) Beginning two (2) weeks prior to calendar call for any trial term (or peremptory setting), all trial-related motions such as motions in limine, motions for issuance of subpoenas pursuant to FED.R.CRIM.P.17(b), etc., shall be directed to the District Judge for disposition;

7) Motions to continue cases from the trial calendar shall be directed to the District Judge; and

8) To perform all other duties as authorized in Local Rule LCr57.1 which are not contrary to the specific duties as set forth within this order.

REGARDING CIVIL AND MISCELLANEOUS CASES, IT IS ORDERED THAT

pursuant to 28 U.S.C. §636(b) and Local Rule LR72.1, the Magistrate Judges shall be specifically referred the following duties in civil and miscellaneous cases assigned to the Honorable Richard L. Voorhees:

1) The Deputy Clerk shall direct to a Magistrate Judge all motions pertaining to discovery under Rules 26, 27, 34, 35, 36 and 37 of the Federal Rules of Civil Procedure, including any motion for sanctions under Rule 37(b) arising out of these referred motions;

2) To enter a final order on any non-dispositive civil pretrial motions, subject only to review by the District Court for clear error (if properly appealed);

3) To preside over any pretrial conference requested and issue all initial pretrial scheduling orders as a result of the conference or filing of the proposed discovery plan as authorized by Local Rule LR16.1(B);

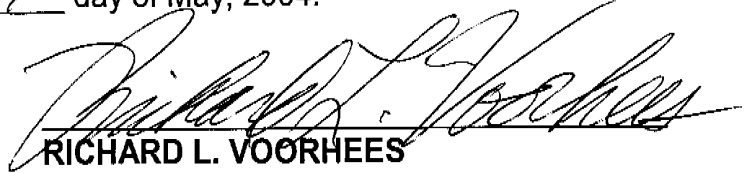
4) To make findings of fact, conclusions of law, and to recommend disposition of any dispositive motion filed on Social Security Appeals through submission of a Memorandum and Recommendation to the District Judge;

5) This Court retains the option to designate certain dispositive motions filed in civil cases, with the exception of Social Security Appeals, for referral to a Magistrate Judge in the discretion of this District Judge on a case-by-case basis. The referral of a specific civil dispositive motion will be communicated to the Deputy Clerk and the parties by a separate Order of Reference on the pending dispositive matter authorizing the Magistrate Judge to make findings of fact, conclusions of law, and to recommend disposition of the matter;

6) For purposes of this Order, motions for remand will be treated as dispositive;

- 7) To enter orders involving any post-judgment execution proceedings; and
- 8) To perform all other duties as authorized in Local Rule LR72.1 which are not contrary to the specific duties as set forth within this order.

IT IS SO ORDERED this the 17th day of May, 2004.

A handwritten signature in black ink, appearing to read "Richard L. Voorhees", written over a horizontal line.

RICHARD L. VOORHEES
UNITED STATES DISTRICT JUDGE