

LOCAL RULES
FOR
UNITED STATES
MAGISTRATES

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

**LOCAL RULES FOR
UNITED STATES MAGISTRATES**

As Amended July 28, 2000

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RULE 1

GENERAL JURISDICTION AND DUTIES OF MAGISTRATES

The following general jurisdiction and duties shall be exercised by each Magistrate appointed by the Court:

(A) The Magistrate shall have jurisdiction over the entire District, with such official station as is fixed by the order of appointment.

(B) The Magistrate shall perform all duties authorized by 28 U.S.C. Section 636 (a), including, but not limited to, the exercise of all powers and duties previously conferred or imposed upon United States Commissioners, and may also conduct extradition proceedings, and exercise misdemeanor trial and sentencing jurisdiction under 18 U.S.C. Section 3401.

(C) The Magistrate shall have authority to assist the Judges of this Court in the conduct of civil and criminal proceedings in all respects contemplated by 28 U.S.C. Section 636(b)-(c), including, but not limited to, exercise of the following duties:

(1) The review and any necessary hearing of, and issuance of recommended decision on, any motion for injunctive relief, to suppress evidence, to permit or to refuse class action maintenance, to dismiss or for summary judgment, or any other similar application in civil or criminal cases potentially dispositive of a claim or defense;

(2) The review, any necessary hearing, and determination of nondispositive motions, including, but not limited to, those relating to discovery and other matters of procedure;

(3) The review and any necessary hearing of, and issuance of recommended decision on, any prisoner petitions challenging conditions of confinement and any applications for post-conviction relief, such review process to the extent pertinent to include also the issuance of preliminary orders and the conduct of incidental proceedings;

(4) The conduct of pretrial conferences; and

(5) Service as a special master in any appropriate proceedings on order of reference, and a special master reference may be made by consent of the parties without regard to the limiting provisions of Rule 53(b), Fed. R. Civ. P.; trial or other disposition of a civil case by the Magistrate on consent of the parties is further expressly authorized in accordance with 28 U.S.C. Section 636(c) and Rule 4, *infra*.

(D) The Magistrate shall have authority to perform such additional miscellaneous duties as are contemplated by the laws of the United States, rules of procedure governing District Courts, and Local Court Rules and plans, and may also be assigned such other additional duties, not inconsistent with the Constitution and laws of the United States, as the Court may hereafter require.

RULE 2

REVIEW

(a) The Magistrate Judge's written ruling, pre-trial conference order, or decision or report including proposed findings of fact and recommended conclusions of law, shall be filed with the Clerk, and the Clerk shall forthwith mail a copy to each party. Any party wishing to object must, within ten (10) days after service of such order or recommended ruling on him, serve on all parties, and file with the Clerk, written objection which shall specifically identify the ruling, order, proposed findings and conclusions, or part thereof to which objection is made and the factual and legal basis for such objection. A party may not thereafter assign as error a defect in the Magistrate Judge's order to which objection was not timely made. For the purposes of this rule, service of the order of the Magistrate Judge or recommended ruling shall be deemed to occur no later than five (5) days after the filing of such order or ruling with the Clerk.

(b) In the event of such objection, in matters acted on by the Magistrate in an advisory capacity under Rule 1(C)(1) or (3), *supra*, the Judge ultimately responsible shall make a de novo determination of those portions of the proposed decision to which objection is made, and may accept, reject, or modify the recommended ruling in whole or in part. Such independent determination may be made on the basis of the record developed before the Magistrate, and need not ordinarily involve rehearing, although further evidence may also be received in the reviewing Judge's discretion. Absent such objection, the Judge ultimately responsible may forthwith endorse acceptance of the proposed decision; but the Judge, in his or her discretion, may afford the parties opportunity to object to any contemplated rejection or substantial modification of the proposed decision. In matters determined by the Magistrate under Rule 1(C)(2) or (4), *supra*, the reviewing Judge on timely objection shall set aside any order found to be clearly erroneous or contrary to law, and may, absent such objection, reconsider any matter *sua sponte*.

(c) Review of special master proceedings shall be in accordance with Rule 53, Fed. R. Civ. P., to the extent applicable. In civil cases referred to the Magistrate for trial by the parties' consent, appeals shall be taken as provided by Rule 4, *infra*, in accordance with 28 U.S.C. Section 636(c). Appeals in misdemeanor cases shall conform to the requirements of 18 U.S.C. Section 3402 and the Rules of Procedure for Trial of Misdemeanors before Magistrates.

RULE 3

ASSIGNMENT

All matters to be referred by the Judges to the Magistrates shall be referred in the first instance to the Clerk for appropriate assignment to be made under the supervision of the Chief Judge, bearing in mind such factors as a Magistrate's prior familiarity with proceedings, the seat of Court involved and current case load allocation. With the assistance of the Magistrates' clerical staff, the Clerk shall be responsible for preparation and issuance of all calendars and notices of proceedings necessitated by such assignments.

RULE 4

CIVIL TRIAL JURISDICTION

(A) (1) Each Magistrate Judge may exercise case-dispositive authority in a civil case on the specific written request of all parties, as permitted by 28 U.S.C. Section 636(c)(1), provided the District Judge assigned to the case approves.

(2) When a civil action is commenced, the Clerk shall promptly notify the parties that they may request referral of the case to a Magistrate Judge for disposition pursuant to 28 U.S.C. Section 636(c), subject to the approval of the District Judge to whom the case is assigned. The Clerk shall inform the parties that their consent to such a referral must be voluntary and that they are free to withhold consent without adverse consequences. The parties' agreement to such a reference is to be communicated in the first instance to the Clerk by written stipulation, which shall be forwarded to the assigned District Judge for discretionary consideration.

(B) (1) A direct appeal to the Court of Appeals shall be taken in the same manner as from any other judgment or reviewable order of this Court.

(2) The scope of an appeal to the referring Judge shall be the same as on an appeal from a judgment of this Court to the Court of Appeals; such appeal shall be taken as herein provided, subject on prompt application to such modification of time limits and procedures in a particular case as may be found appropriate by the Judge in the interest of justice. Dismissal of the appeal may be directed for failure to comply with this Rule 4 or related Court orders.

(3) Appeal to the referring Judge shall be taken by filing a notice of appeal with the Clerk within thirty (30) days after entry of the Magistrate's judgment, or within sixty (60) days after such judgment's entry if the United States or any officer or agency thereof is a party; if a timely notice of appeal is filed, any other party may file a notice of appeal within fourteen (14) days thereafter. The Clerk shall forthwith mail copies of a notice of appeal to all other parties. Any attendant stay application shall be made to the Magistrate in the first instance. The record on appeal shall consist of the original papers and exhibits filed with the Clerk, the docket and any transcript of proceedings before the Magistrate. Within ten (10) days after filing the notice of appeal, the appellant shall make arrangements in the first instance for the production of any transcript deemed necessary. Within thirty (30) days after the notice of appeal is filed, the appellant's brief shall be served and filed; the appellee's brief shall be served and filed within thirty (30) days thereafter. Absent scheduling of oral argument on the Judge's own initiative, the appeal will be decided on the papers unless good cause

for allowance of oral argument is shown by written request submitted with the brief.

(C) These provisions shall be construed to promote expeditious, inexpensive and just decision, and are subject to any controlling uniform procedures for such appeals as may be adopted hereafter by rule or statute.