

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: : **STANDING ORDER 2021-08**
: **(Supersedes Standing Order 2019-5)**
PROCEDURES FOR THE DIRECT :
ASSIGNMENT TO MAGISTRATE :
JUDGES OF CERTAIN CIVIL :
PROCEEDINGS :

ORDER

IT IS HEREBY ORDERED THAT Magistrate Judges shall now receive on direct assignment, all Non-Prisoner *Pro Se* cases, all Social Security cases, and 20 percent of all Prisoner cases.

FURTHERMORE, effective May 6, 2021, Chief Magistrate Judge Karoline Mehalchick and Magistrate Judge Joseph F. Saporito, Jr., shall also receive on direct assignment, Scranton Location Cases. A Scranton Location Case is defined as "any case filed that does not fall into the category of a prisoner, non-prisoner *pro se*, or social security case, and the action occurred in a Scranton area county and/or either party resides in a Scranton area county. The Scranton Counties are Carbon, Lackawanna, Luzerne, Monroe, Pike, Schuylkill, Susquehanna, Wayne, and Wyoming.

Upon the filing of a civil action eligible for direct assignment to a Magistrate Judge, the Clerk of Court shall review the case type, and at the appropriate time in the progress of the case, send to all case participants, a "Consent to the Exercise of Jurisdiction by a United States Magistrate Judge In Direct Assignment Cases" form

("Consent Form"). Unless otherwise ordered, each party, including the plaintiff(s), shall complete and return the Consent Form no later than 30 days from the date the Consent Form is sent. It is acceptable for the signature line of the Consent Form to be signed by s/Attorney, or party name, or PDF signature stamp. *Pro Se* Parties or attorneys, whichever may apply, shall e-mail the Consent Form to consents@pamd.uscourts.gov or mail the Form to Clerk's Administrative Assistant, Clerk's Office, U.S. District Court, P.O. Box 1148, Scranton, PA 18501-1148.

The assigned Magistrate Judge initially shall be responsible for all case management and scheduling activities and shall decide all non-dispositive pretrial and discovery matters. If all parties consent to the Magistrate Judge's exercise of jurisdiction, the case shall remain assigned to the Magistrate Judge for all purposes, including trial and entry of final judgment pursuant to 28 U.S.C. § 636(c) and Federal Rule of Civil Procedure 73. Appeal from a final judgment entered at a Magistrate Judge's direction may be taken to the appropriate United States Court of Appeals like any other judgment of this court.

Any party added to a civil action in which the parties have consented to the direct assignment of a Magistrate Judge shall be notified by the Clerk of Court of the obligation to complete and return the Consent Form. Consent to Magistrate Judge jurisdiction is strictly voluntary, and no adverse consequence shall result if consent is declined. If all parties, including added parties, do not consent, the

identity of the parties withholding consent will not be communicated to any judicial officer. In the instance where the parties do not consent, the case will be randomly assigned to a District Judge, within the Middle District of Pennsylvania, but not necessarily in the location in which the case was filed. The Magistrate Judge will be assigned a referral role, except for Scranton Location Cases, and manage the case through the filing of a Report and Recommendation on dispositive motions.

This Standing Order does not preclude parties from consenting in other civil actions that are not directly assigned to a Magistrate Judge. This procedure is subject to periodic review and amendment by the Board of Judges as circumstances warrant.

SO ORDERED,

BY THE COURT:

s/ John E. Jones III
John E. Jones III, Chief Judge
United States District Court
Middle District of Pennsylvania

Dated: May 10, 2021

NAME, ADDRESS & TELEPHONE NUMBER OF ATTORNEY(S) OR *PRO SE*

ATTORNEY(S) FOR:

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

CASE NUMBER:

Plaintiff(s)

v.

Defendant(s).

**STATEMENT OF CONSENT TO PROCEED
BEFORE A UNITED STATES MAGISTRATE JUDGE
(For use in Direct Assignment of Civil Cases to
Magistrate Judges Only)**

**THIS CONSENT FORM SHALL BE USED ONLY FOR CASES IN WHICH A MAGISTRATE JUDGE IS INITIALLY
ASSIGNED PURSUANT TO STANDING ORDER 2021-08**

In accordance with Standing Order 21-8, Fed.R.Civ.P. 73 and 28 U.S.C. § 636(c), the above-captioned civil matter has been assigned to Magistrate Judge_____. All parties to the above-captioned civil matter are to select one of the following two options and return the Consent Form to consents@pamd.uscourts.gov or mail to Clerk’s Administrative Assistant, Clerk’s Office, U.S. District Court, P.O. Box 1148, Scranton, PA 18501-1148, within **30 days** from the date the Consent Form was sent. This Consent Form was sent on _____.

The party or parties listed below to the above-captioned civil matter **consent** pursuant to the provisions of Standing Order 21-8, 28 U.S.C. § 636(C) and Fed.R.Civ.P. 73(b), to have the assigned Magistrate Judge conduct all further proceedings in this case, including trial and entry of final judgment.

Any appeal from a judgment of the assigned Magistrate Judge shall be taken to the United States Court of Appeals in the same manner as an appeal from any other judgment of the District Court in accordance with 28 U.S.C. § 636(c)(3).

The party or parties listed below to the above-captioned civil matter **do not consent** to proceed before the assigned Magistrate Judge. The case will be randomly assigned to a District Judge, within the Middle District of Pennsylvania, but not necessarily in the location in which the case was filed.

The party or parties listed below acknowledge that they are free to decline consent without adverse substantive consequences.

Name of Counsel (OR Party if <i>Pro Se</i>)	Signature and Date	Counsel for (Name of Party or Parties)
_____	_____	_____
_____	_____	_____
_____	_____	_____

NOTICE TO COUNSEL FROM CLERK:

All parties having consented to proceed before the assigned Magistrate Judge, this case will remain assigned to United States Magistrate Judge_____ for all further proceedings.