

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**PROCEDURES AND OTHER INFORMATION FOR COMPLETING THE FORM FOR
CONSENT OR REFUSAL OF MAGISTRATE JUDGE JURISDICTION
(updated 9/25/2024)**

I. AUTHORITY

The Court has entered a General Order (10-1), dated February 2, 2010, amending the General Order (09-3) of March 3, 2009, authorizing the assignment of civil cases to the Magistrate Judges sitting in the District of Massachusetts. Those Orders may be found on the Court's web page at www.mad.uscourts.gov.

II. PROCESS

For counsel and non-prisoner *pro se* litigants:

As the party initiating the civil action, you are responsible for serving the Court's General Orders of March 3, 2009 and February 2, 2010 and the consent/refusal form on all opposing parties. You are also responsible for contacting these attorneys or parties to inquire as to their consent or refusal to proceed before the Magistrate Judge. Consent to have the assigned Magistrate Judge conduct all proceedings in a civil action, including trial and entry of final judgment, must be unanimous. If at least one party does not consent to have the assigned Magistrate Judge conduct all proceedings, including trial and entry of final judgment, the case will be randomly reassigned to a District Judge for further proceedings. If you elect to have the case proceed before a District Judge, the assigned Magistrate Judge shall continue to be assigned to the case to hear matters referred by the District Judge, in accordance with 28 U.S.C. § 636(b) and Rule 72 of the Federal Rules of Civil Procedure.

The parties shall indicate whether or not they consent to have the assigned Magistrate Judge conduct all proceedings in the civil action, including trial and entry of final judgment, by checking the appropriate box in the form and signing it. The document does not need to have a handwritten signature from each attorney or party. You may enter an electronic signature on the consent form for each attorney or party in this style: '/s/ John Smith' (see the Court's CM/ECF Administrative Procedures for further information on electronic signatures). You may use multiple sheets if additional space is needed. The consent form is also available on the Court's web page. An example of a completed form is attached to these procedures.

While consent to the assignment of the case to the Magistrate Judge is entirely voluntary, and no adverse substantive consequences of any kind will redound to an attorney or party refusing to consent, submission of the executed form, memorializing consent or

refusal to consent to final assignment to the Magistrate Judge, is mandatory.

NOTE: The Court is not to be made aware of which party or parties did not consent to the Magistrate Judge's jurisdiction.

Only one consent/refusal form should be filed for the case by counsel and non-prisoner *pro se* litigants.

The consent or refusal is to be filed electronically in the Court's CM/ECF system, using one of these selections, found under the 'Other Documents' menu: '**Consent to Jurisdiction by US Magistrate Judge,**' or '**Refusal of Consent to Proceed Before a US Magistrate Judge.**'

Non-prisoner *pro se* litigants who do not have access to the Court's electronic filing system are to file the completed consent or refusal with the Clerk's Office on paper.

For incarcerated *pro se* litigants and counsel in those cases:

The packet of materials regarding Consent or Refusal to Magistrate Judge jurisdiction will be issued by the Clerk's Office with the appropriate summons or service order. It will be the responsibility of the *pro se* litigant to serve this notice along with the Summons and Complaint or Notice of Removal.

The Clerk's Office will include this notice and accompanying documents with any Service Order entered in 28 U.S.C. § 2241 or 28 U.S.C. § 2254 actions filed by *pro se* petitioners.

While consent to the assignment of the case to the Magistrate Judge is entirely voluntary, and no adverse substantive consequences of any kind will redound to an attorney or party refusing to consent, submission of the executed form, memorializing consent or refusal to consent to final assignment to the Magistrate Judge, is mandatory.

Prisoner *pro se* litigants and counsel for opposing parties do not need to confer, but shall file separate documents, on paper and clearly marked "DO NOT SCAN" directly with the Clerk's Office indicating their consent or refusal to the Magistrate Judge's jurisdiction. The Clerk's Office will gather the information, and make the appropriate docket entry, based on the documents filed. The original documents relating to consent or refusal filed by any party in a litigation involving an incarcerated *pro se* litigant will not be attached to the electronic (CM/ECF) docket, but stored in the paper case file.

III. CONSENT AND FURTHER PROCEEDINGS

Should all parties consent to the Magistrate Judge's jurisdiction, the case will continue before the Magistrate Judge as any other civil case, including bench or jury trial, and the entry of final judgment, with direct review by the First Circuit Court of Appeals if any appeal is filed. See 28 U.S.C. § 636(c).

IV. REFUSAL OF CONSENT AND FURTHER PROCEEDINGS

Should any party not consent to the Magistrate Judge's jurisdiction, or should the parties fail to submit the document at all, the courtroom deputy clerk will transmit the case file to the Clerk to have the case randomly assigned to a District Judge of this Court. If the District Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to the previously assigned Magistrate Judge.

V. ADDITIONAL PARTIES

Counsel or *pro se* parties filing a pleading that adds additional parties to the civil action are responsible for serving the General Order and the consent form with that pleading, and then filing the consent form, except for *pro se* prisoner litigants, who shall file the instructions above.

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ABC TRUCKING COMPANY

Plaintiff

v.

Civil Action No. 08-10356

MARY ALICE JONES

Defendant

**CONSENT TO OR DECLINATION OF THE EXERCISE
OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE**

This case has been assigned to Magistrate Judge SMITH for all purposes. Exercise of jurisdiction by the Magistrate Judge assigned is permitted only if all parties voluntarily consent. You may, without adverse substantive consequences, withhold your consent.

EXAMPLE
You must file this document with the Court within 30 days after the date of service on the last party regardless of whether or not you are consenting to the exercise of jurisdiction of the Magistrate Judge.

CHECK ONE

☒

All parties in this civil action CONSENT to have the assigned Magistrate Judge conduct all proceedings in this civil action, including trial, and to order the entry of final judgment in accordance with 28 U.S.C. § 636(c) and Rule 72(b) of the Federal Rules of Civil Procedure.

OR

☐

At least one party in this civil action DOES NOT CONSENT to have the assigned Magistrate Judge conduct all proceedings, including trial, and to order the entry of final judgment. This case will be randomly assigned to a U.S. District Judge for further proceedings. If you elect to have the case proceed before a U.S. District Judge, the above named Magistrate Judge shall continue to be assigned to this case to hear matters referred by the District Judge, in accordance with 28 U.S.C. § 636(b) and Rule 72 of the Federal Rules of Civil Procedure.

Parties' printed names
ABC Trucking Company

Signature of parties or attorneys
/s/ Phyllis Q. Harrison

Dates
1/15/08

Mary Alice Jones

/s/ George S. Britt

1/16/08

-

(If additional space is needed, additional forms may be attached)

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ABC TRUCKING COMPANY

Plaintiff

v.

Civil Action No. 08-10356

MARY ALICE JONES

Defendant

**CONSENT TO OR DECLINATION OF THE EXERCISE
OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE**

This case has been assigned to Magistrate Judge SMITH for all purposes. Exercise of jurisdiction by the Magistrate Judge assigned is permitted only if all parties voluntarily consent. You may, without adverse substantive consequences, withhold your consent.

You must file this document with the Court within 30 days after the date of service on the last party regardless of whether or not you are consenting to the exercise of jurisdiction of the Magistrate Judge.

CHECK ONE

☐

All parties in this civil action CONSENT to have the assigned Magistrate Judge conduct all proceedings in this civil action, including trial, and to order the entry of final judgment in accordance with 28 U.S.C. § 636(c) and Rule 72(b) of the Federal Rules of Civil Procedure.

OR

☒

At least one party in this civil action **DOES NOT CONSENT** to have the assigned Magistrate Judge conduct all proceedings, including trial, and to order the entry of final judgment. This case will be randomly assigned to a U.S. District Judge for further proceedings. If you elect to have the case proceed before a U.S. District Judge, the above named Magistrate Judge shall continue to be assigned to this case to hear matters referred by the District Judge, in accordance with 28 U.S.C. § 636(b) and Rule 72 of the Federal Rules of Civil Procedure.

<i>Parties' printed names</i>	<i>Signature of parties or attorneys</i>	<i>Dates</i>
ABC Trucking Company	/s/ Phyllis Q. Harrison	1/15/08
Mary Alice Jones	/s/ George S. Britt	1/16/08

(If additional space is needed, additional forms may be attached)

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Plaintiff

v.

Civil Action No. _____

Defendant

NOTICE TO PARTIES IN *PRO SE* PRISONER LITIGATION CASES
DO NOT SCAN

This case has been assigned to Magistrate Judge _____ for all purposes. Please read the attached General Order for further information regarding this assignment. Each party is responsible for submitting this form to the Court advising that all parties consent to (or refuse) the Magistrate Judge's jurisdiction. Each party is to file their consent or refusal on paper, with the Clerk's Office clearly marked as **DO NOT SCAN**.

While consent to the assignment of the case to the Magistrate Judge is entirely voluntary, and no adverse substantive consequences of any kind will redound to an attorney or party refusing consent, submission of this executed form, memorializing consent or refusal to the final assignment to the Magistrate Judge is mandatory. This document is to be filed on paper with the Clerk's Office within thirty days after the date of service on the last party.

CONSENT TO PROCEED BEFORE A U.S. MAGISTRATE JUDGE

In accordance with 28 U.S.C. § 636(c) and Rule 73(b) of the Federal Rules of Civil Procedure, the undersigned *pro se* party or counsel of record consents to have the above named Magistrate Judge conduct all further proceedings in this case, including bench or jury trial, and order the entry of final judgment, with direct review by the First Circuit Court of Appeals if any appeal is filed.

Party Represented	Signature	Date

(If additional space is needed, additional forms may be attached)

- - OR - -

REFUSAL TO CONSENT TO PROCEED BEFORE A U.S. MAGISTRATE JUDGE
(To Be Completed If the Party Declines to Consent)

In accordance with General Order 07-4 , dated December 4, 2007, and as modified by General Order 09-3 (dated March 3, 2009) and General Order 10-1 (dated February 2, 2010) the parties advise the Court that at least one party does not consent to the Magistrate Judge's jurisdiction.

The case will be randomly assigned to a U.S. District Judge for further proceedings. If you elect to have the case proceed before a U.S. District Judge, the above named Magistrate Judge shall continue to be assigned to this case to hear matters referred by the District Judge, in accordance with 28 U.S.C. § 636(b) and Rule 72 of the Federal Rules of Civil Procedure.

Dated: _____

Signature

Printed Name

BBO # _____

Address: _____

