



United States District Court
DISTRICT OF MINNESOTA

LR 72.1 MAGISTRATE JUDGE DUTIES

(a) General Designation. In every case, the court designates the magistrate judge assigned to the case to perform the following duties authorized by 28 U.S.C. § 636:

- (1) Conduct scheduling conferences and enter pretrial schedules;
- (2) Hear and determine any pretrial matter pending before the court, except a motion: for injunctive relief; for judgment on the pleadings; for summary judgment; to dismiss or to permit maintenance of a class action; to dismiss for failure to state a claim upon which relief can be granted; or to involuntarily dismiss an action;
- (3) Conduct hearings, including evidentiary hearings, and submit to the district judge proposed findings and recommendations for the disposition of:
 - (A) dispositive pretrial motions in criminal cases, such as motions to dismiss or quash an indictment or information made by a defendant and motions to suppress evidence;
 - (B) applications for post-trial relief made by individuals convicted of criminal offenses;
 - (C) prisoner petitions challenging conditions of confinement; and
 - (D) motions for summary judgment in Social Security appeals under 42 U.S.C. § 405;
- (4) Conduct arraignments in criminal cases;
- (5) Conduct settlement conferences in civil cases; and
- (6) In accordance with 18 U.S.C. § 3401, with respect to misdemeanors committed within the district:
 - (A) Try a defendant accused of, and sentence a defendant convicted of, a petty offense; and

(B) With the defendant's consent, try a defendant accused of, and sentence a defendant convicted of, a misdemeanor other than a petty offense.

(b) Specific Designation. The district judge assigned to a case may specifically designate a magistrate judge to perform any of the duties authorized by 28 U.S.C. § 636(b). In performing the designated duties, the magistrate judge must conform to the Local Rules and the instructions of the district judge.

(c) Consent Jurisdiction.

(1) In every case, upon the consent of the parties, the court specially designates the assigned full-time magistrate judge under 28 U.S.C. § 636(c) to conduct the proceedings in a civil matter and to order the entry of judgment.

(2) When an action is filed, the clerk will notify the parties that a magistrate judge is available to conduct proceedings upon the parties' consent. Thereafter, a judge may again advise the parties of the magistrate judge's availability, but in doing so, the judge must advise the parties that they are free to withhold consent without adverse substantive consequences.

[Adopted effective February 1, 1991; amended May 17, 2004, amended May 16, 2005; amended September 24, 2009; amended December 1, 2009; amended May 14, 2013]

2013 Advisory Committee's Note to LR 72.1

The language of LR 72.1 has been amended in accordance with the restyling process described in the 2012 Advisory Committee's Preface on Stylistic Amendments. In particular, the language of LR 72.1 has been revised to align more closely with the language of 28 U.S.C. § 636 and 18 U.S.C. § 3401.

2005 Advisory Committee's Note to LR 72.1 and LR 72.2

This Rule was substantially restructured in 2005 to accommodate various changes made over the years to the Magistrate Judge Act, Title 28 United States Code, Section 636 and to Federal Rules of Civil Procedure 72 and 73.

The Rule contemplates that the duties described in Local Rule 72.1. a. will be automatically exercised by the Magistrate Judge in every case to which he or she is assigned without any further direction or reference by the District Court Judge.

In any individual case, pursuant to Local Rule 72.1 b, the District Judge to whom the case is assigned may also designate a Magistrate Judge to perform any of the other duties described in the Magistrate Judge Act. The Court and the Committee intend that these duties include the full range of duties permitted by the Act, Title 28 United States Code, Section 636, and may include but are not limited to: Serving as a special master; taking a jury verdict in the absence of the District Judge; conducting hearings and submitting to the District Judge assigned to the case proposed findings of fact and recommendations for the disposition of dispositive pretrial motions in civil cases; receiving grand jury

returns pursuant to Fed. R. Crim. P. 6(f); issuing writs or other process necessary to obtain the presence of parties or witnesses or evidence needed for Court proceedings; and performing any other additional duties as are not inconsistent with the Constitution and laws of the United States @ Title 28 United States Code, Section 636(b)(3).

1991 Advisory Committee's Note to LR 72.1(b)(2) and LR 72.1(c)(2)

The Advisory Committee does not intend to require or encourage the filing of briefs accompanying objections to decisions by the Magistrate Judges. Ordinarily, the briefs submitted to the Magistrate Judge are sufficient for the district Judge to decide on objections. However, this rule gives the objecting party the option of filing a brief when the objecting party believes that special circumstances justify doing so.

The time period for appeal under LR 72.1(b) runs from the "entry of the Magistrate Judge's order". The time period for objecting under LR 72.1(c) runs from "being served with" a copy of the findings, recommendations, or report of the Magistrate Judge. This difference in language appears in Fed. R. Civ. P. 72(a) and Fed. R. Civ. P. 72(b), so the committee reluctantly preserved this distinction in the local rules.

This rule applies to objections to decision of Magistrate Judges under Fed. R. Civ. P. 72. It does not affect practice in appeals from trials by consent under Fed. R. Civ. P. 73-75. See Fed. R. Civ. P. 75(c), which provides time lines for filing briefs in proceedings on appeal from Magistrate Judges to district Judges under Fed. R. Civ. P. 73(d).