

Rule 1.16

**ASSIGNMENT OF MATTERS TO MAGISTRATE JUDGES**

(a) **Criminal Cases.** All misdemeanor cases filed by indictment or information shall be assigned to a full-time Magistrate Judge who shall proceed in accordance with 18 U.S.C. §3401 and the Rule of Procedure for the Trial of Misdemeanors Before United States Magistrate Judges. Misdemeanor cases filed by indictment or information shall be assigned to a full-time Magistrate Judge by automated random selection, with the exception of cases brought before the full-time Magistrate Judges sitting in Flagstaff and in Yuma, which shall be directly assigned. All other misdemeanors, except petty offense cases processed by the Central Violations Bureau, shall be assigned to any Magistrate Judge designated by those rules to try misdemeanors. Any Magistrate Judge may act in the absence or unavailability of the assigned Magistrate Judge. If the defendant does not waive trial, judgment, and sentencing before a District Judge of the District Court and does not consent to those proceeding before the Magistrate Judge, the case shall be promptly referred to the Clerk of Court for assignment to a District Judge and the defendant shall be directed to appear before the assigned District Judge.

(b) **Civil Cases.** Upon the order of a District Judge, a civil case shall be referred by the Clerk of the Court to a full-time Magistrate Judge by automated random selection for the conduct of such pretrial conferences as are necessary, and for the hearing and determination of all or specific pretrial procedural and discovery motions in accordance with the provisions of 28 U.S.C. §636 (b)(1). In supplementary proceedings pursuant to Rule 69, Federal Rules of Civil Procedure, including garnishments and judgment-debtor examinations, the Clerk of the Court shall refer such matters to a full-time Magistrate Judge by automated random selection in addition to any assignment made to a District Judge.

(c) **Habeas Corpus, Other Post Conviction Petitions, and Prisoner and certain other Civil Rights Complaints.** All petitions for writs of habeas corpus, applications for post trial relief made by individuals convicted of criminal offenses, civil rights

complaints by state or federal prisoners challenging conditions of their confinement, and all other civil actions to which a District Judge has been assigned shall be referred by the Clerk of the Court to a full-time Magistrate Judge according to Local Rule 3.1(b), 3.2(c) or by automated random selection. The referred Magistrate Judge shall proceed in accordance with the Rules Governing Section 2254 Cases in the United States District Court, or the Rules Governing Section 2255 Proceedings for the United States District Courts, as the case may be, and with 28 U.S.C. §636 (b)(1)(A) and (B).