

## **LRCiv 3.7**

### **ASSIGNMENT OF CASES; CIVIL**

**(a) Assignment of Civil Cases.**

(1) Generally. Unless otherwise provided in these Rules or ordered by the Court, the Clerk must assign civil cases to Judges within each division by automated random selection and in a manner so that neither the Clerk nor any parties or their attorneys will be able to make a deliberate choice of a particular Judge. The cases so assigned will remain with the Judge to whom assigned unless otherwise ordered by the Court. Unless otherwise ordered by the Court or set forth in these Rules, the Clerk must assign each civil case to a District Judge or a Magistrate Judge, except that when preliminary injunctive relief is requested in a separate motion the Clerk must assign the case to a District Judge.

(2) Refiling. If a civil action is voluntarily dismissed and a related civil action is later filed in this District, the filing party must file a separate notice with the party's complaint identifying the dismissed action by its complete case number, including the initials of the assigned Judge. The Clerk will assign the newly filed action to the Judge who was last assigned to the dismissed action. If that Judge is not available for assignment, the Clerk will randomly assign the newly filed action pursuant to this Rule. For the purposes of this Rule, a newly filed action is "related" to a dismissed action if both involve the same or similar claims and if both involve at least some of the same plaintiffs and at least some of the same defendants.

**(b) Random Assignment to Magistrate Judges.** When an action is assigned to a Magistrate Judge, each party must execute and file within fourteen (14) days of its appearance either a written consent to the exercise of authority by the Magistrate Judge under 28 U.S.C. § 636(c), or a written election to have the action reassigned to a District Judge. Each party must indicate consent or election on the form provided by the Clerk. Prior to the completed consent or election forms being received by the Clerk of the Court, the assigned Magistrate Judge may act pursuant to 28 U.S.C. § 636(b)(1)(A). Any dispositive motion submitted by a party before that party has filed a consent or election

form may be stricken or deferred by the Court. If one or more parties elect to have a case heard by a District Judge, the Clerk must reassign it to a District Judge. After one or more consents to a Magistrate Judge have been filed with the Clerk and until such time as an election is made by any party for assignment to a District Judge, the Magistrate Judge may continue to act pursuant to 28 U.S.C. § 636(c)(1) even though all parties have not been served or have not filed their appearances. Consent to a Magistrate Judge's authority does not constitute a waiver of any jurisdictional defense unrelated to the grant of authority under 28 U.S.C. § 636(c).

**(c) Assignment of Bankruptcy Matters.** The Clerk of Court must randomly assign bankruptcy appeals and motions to withdraw the reference to a District Judge unless a matter arising out of the same or administratively consolidated bankruptcy case has been previously filed with the Court, in which case the matter must be assigned to the District Judge who presided over the related matter.

**(d) Assignment of Social Security Appeals.** The Clerk of Court must randomly assign social security appeals unless a prior social security appeal has been filed by the same claimant in this District Court, in which case any subsequent appeal must be assigned to the Judge who presided over the first appeal.

**(de) Assignment of Capital Habeas Corpus Cases.** The Clerk of Court must randomly assign capital habeas corpus cases to a District Judge. The Clerk of Court must assign any civil rights action filed by a prisoner who has an active warrant of execution, or for whom the state is currently seeking a warrant of execution from the Arizona Supreme Court, to the same District judge who presided over the prisoner's capital habeas corpus petition, regardless of division.

**(ef) Assignment of Complaints Filed by Incarcerated Persons and Habeas Corpus Petitions.** The Clerk of Court must randomly assign complaints filed by incarcerated persons and habeas corpus petitions to a District Judge and randomly refer them to a Magistrate Judge. Any future pleadings filed by the incarcerated person or habeas corpus petitioner must be directly assigned and referred to the same District Judge

and Magistrate Judge to whom the earlier case was assigned and referred, unless otherwise ordered by the Court.

**(fg) Assignment of Miscellaneous Matters.** The Clerk of Court must randomly assign civil miscellaneous matters to a District Judge. If contested, the Clerk of Court must assign the matter a regular civil case number and directly assign the case to the District Judge to whom the miscellaneous matter was assigned.

**(gh) Temporary Reassignment of Cases.** A case assigned to a particular District Judge may be temporarily reassigned to another District Judge, if the District Judge to whom the case is assigned is unavailable and an exigency exists which requires prompt action by the Court. The Clerk of Court must randomly make the reassignment to an available District Judge for the limited purpose of hearing or determining the matter that is the subject of the exigency.