

PILOT PLAN FOR DIRECT ASSIGNMENT OF CIVIL CASES TO U.S. MAGISTRATE JUDGES

I. Purpose

The U.S. District Court for the District of Maine adopts this Pilot Plan to implement new procedures related to Rule 73 of the Federal Rules of Civil Procedure regarding the assignment of civil cases to U.S. Magistrate Judges. The Plan is intended to improve the efficient administration of civil cases and to make the best use of the Court's judicial resources.

The Court will randomly assign to the Magistrate Judges all Social Security Appeals under Title 42 U.S.C. § 405(g), and a certain percentage of civil cases to be determined by the Chief Judge. The assigned Magistrate Judge will be the sole judge to handle all proceedings, including dispositive motions, trial, and entry of final judgment, provided the parties, in accordance with Section II of this Pilot Plan, notify the Court that they consent to the Magistrate Judge handling all proceedings. *See* 28 U.S.C. § 636(c) in the manner required. The Pilot Plan applies to cases filed from May 1, 2024, through April 30, 2026.

The following civil cases are excluded from and not subject to the Plan:

- Any case initially filed with a request for a temporary restraining order or a preliminary injunction;
- Bankruptcy appeals;
- Foreclosures;
- Cases involving self-represented litigants; and
- Habeas Corpus Petitions filed under Title 28 U.S.C. §§ 2241, 2254, and 2255.

II. Methods for Consenting or Declining to Consent

A. Initial Assignment. In the Scheduling Order or by separate order if a defendant's initial pleading is a motion to dismiss, the Court will inform the parties of their obligation to declare whether they consent to proceed before the Magistrate Judge to whom the case has been assigned. The Scheduling Order or separate order will include the form "Declaration Regarding Consent to Magistrate Judge" attached hereto as Exhibit A. The parties, after consultation, are required to jointly file the completed form within fourteen (14) days of the date of the Scheduling Order or separate order. If a party has attempted without success to consult with an opposing party, the party shall file a status report informing the Court of the party's efforts to consult with

the opposing party. If the parties do not consent, the Clerk will randomly reassign the case to a District Judge.

B. Consent. If the parties consent, the consent may not be withdrawn. By consenting to proceeding before a Magistrate Judge under Title 28, U.S.C. § 636(c), the parties agree that the Magistrate Judge will conduct all proceedings, enter final orders and judgment, and conduct any jury or non-jury trial as may be required.

C. Decline to consent. If the parties decline to consent, the assigned Magistrate Judge will continue to handle non-dispositive pretrial matters and any dispositive matters referred to the Magistrate Judge by the District Judge in accordance with 28 U.S.C §§ 636(b) and (c).

D. Conflict with Local Rules

The assignment of civil cases to Magistrate Judges is in addition to, and not a substitute for, the current consent process authorized by the Local Rules. If any requirement of this Pilot Plan conflicts with a requirement of the Local Rules of the District of Maine, the requirement of the Pilot Plan shall control.

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

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)
Plaintiff(s))
)
v.)
)
)
Defendant(s))

DECLARATION REGARDING CONSENT TO MAGISTRATE JUDGE

- The parties, pursuant to Federal Rule of Civil Procedure 73(b), consent to Magistrate Judge John C. Nivison conducting all proceedings, to enter final orders and judgment, and to conduct any jury or non-jury trial as required in this case.

- The parties decline to consent to Magistrate Judge John C. Nivison conducting all proceedings in this case. We ask that the case be assigned to a United States District Judge. We understand that Magistrate Judge John C. Nivison will conduct all proceedings and decide matters referred by the United States District Judge in accordance with 28 U.S.C. § 636(c).

Dated:

Attorney for Plaintiff(s)

Dated:

Attorney for Defendant(s)