



FILING CONSENT OR NON-CONSENT TO U. S. MAGISTRATE JUDGE SERVING AS PRESIDING JUDGE

At the time a new civil action is filed in the District of New Mexico, it is randomly assigned to either a district judge or a magistrate judge who will serve as the presiding judge. If the case has been assigned to a presiding magistrate judge, each party to the action will receive an NEF (“Notice of Electronic Filing”) stating, in part, that the case “has been randomly assigned to a U. S. Magistrate Judge to conduct all proceedings in this matter, including trial.” (If a party has not yet been added to the case, **it is the responsibility of the case filer to serve a copy of the notice upon all such parties with the summons and complaint.**) Proceeding before a U. S. Magistrate Judge is strictly voluntary, and a party is free to withhold consent without adverse substantial consequences.

Consenting to Proceed Before a U. S. Magistrate Judge

Notice of a party’s consent must be made within 21 days after service of the notice of assignment to a presiding U. S. Magistrate Judge. Consent is by a text-only notice by a party’s attorney. To consent, the filer must go to the CM/ECF Civil menu page, select the category “Notices,” then select, “Consent to Proceed Before a U. S. Magistrate Judge.” The filer should then follow the prompts until the filing is complete. No document will be attached to the filing. An NEF with the following language will be generated and sent via email to all active parties/attorneys to the case (if a party/attorney does not have an email address, the NEF with the docket text must be printed and mailed by the filer to each such party/attorney):

CONSENT TO PROCEED BEFORE A U. S. MAGISTRATE JUDGE. Under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73(b), [filing party] voluntarily consents to have U. S. Magistrate Judge [name] conduct all proceedings in this case, including trial, and order the entry of final judgment. THIS IS A TEXT ONLY ENTRY; NO DOCUMENT IS ATTACHED.

If consent by each party is not received within 21 days, the matter will be reassigned to a district judge who will serve as the presiding judge.

Refusal to Consent to Proceed Before a U. S. Magistrate Judge

If a party chooses not to consent before the expiration of the 21-day period, the filer should go to the CM/ECF Civil menu page, select the category “Notices,” then select, “Refusal to Consent to Proceed Before a U. S. Magistrate Judge.” The filer should then follow the prompts until the filing is complete. No document will be attached to the filing. An NEF with the following language

will be generated and sent via email to all parties to the case (if a party/attorney does not have an email address, the NEF with the docket text must be printed and mailed by the filer to each such party/attorney):

REFUSAL TO CONSENT to Proceed before a U. S. Magistrate Judge. THIS IS A
TEXT ONLY ENTRY; NO DOCUMENT IS ATTACHED.

If a refusal to consent is filed, the matter will be reassigned to a district judge who will serve as the presiding judge. Notice of the reassignment will be by Minute Order. A magistrate judge will still hear and decide all non-dispositive pretrial and discovery matters.