

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

vs. Plaintiff(s), CIVIL NO. _____

Defendant(s).

CONSENT TO PROCEED BEFORE A U.S. MAGISTRATE JUDGE

In accordance with 28 U.S.C. §636(c) and Rule 73(b) of the Federal Rules of Civil Procedure, the undersigned counsel of record consents to have _____
_____ conduct all further proceedings in this case, including bench or jury trial, and order the entry of final judgment.

Signed and dated this _____ day of _____, _____.

Attorney for _____

MAGISTRATE JUDGES DO NOT CONDUCT TRIALS IN FELONY CASES. ACCORDINGLY, IF THIS CASE IS TRANSFERRED ON CONSENT TO THE MAGISTRATE JUDGE, MAJOR CRIMINAL CASES WILL NOT INTERFERE WITH ITS SCHEDULING AND PROCESSING. IN ALL LIKELIHOOD, THEREFORE, A CONSENT WILL MEAN THAT THIS CIVIL CASE WILL BE RESOLVED SOONER AND MORE INEXPENSIVELY FOR THE PARTIES.

REFUSAL TO CONSENT TO PROCEED BEFORE A U.S. MAGISTRATE JUDGE

In the event you are unwilling to consent, sign below.

Signed and dated this _____ day of _____, _____.

Attorney for _____

**PLEASE READ THE FOLLOWING PAGE FOR FURTHER INFORMATION
THIS FORM SHOULD BE RETURNED TO THE CLERK OF COURT
WITHIN 20 DAYS FROM RECEIPT THEREOF**

NOTICE OF RIGHT TO HAVE CIVIL CASE TRANSFERRED TO
U.S. MAGISTRATE JUDGE AND ORDER TO FILE
CONSENT OR NONCONSENT FORM

In the District of New Mexico, at the time a new civil action is filed, it is assigned by random selection to either a district judge or a magistrate judge. Once the assigned judge has been selected, each party to the action shall receive a copy of a "consent form." Each party is to return the completed consent form to the Clerk of Court within 20 days of service.

In accordance with the provisions of 28 U.S.C. §636(c) and Rules 72 and 73 of the Federal Rules of Civil Procedure, a United States Magistrate Judge may, with the consent of the parties, conduct all proceedings in this civil action, including a bench or jury trial, and order the entry of final judgment. The statute provides for direct appeal to the U.S. Court of Appeals for the Tenth Circuit.

If this case has been randomly assigned to a district judge and all parties consent to have the magistrate judge conduct all proceedings in the case, the district judge may enter an order transferring the case to the magistrate judge.

If this case has been randomly assigned to a magistrate judge and not all parties consent then the magistrate judge will be responsible for the pretrial processing of the case. The magistrate judge will hear and decide all non-dispositive pretrial and discovery matters.

Your response should be made to the Clerk of the Court using the form on the reverse side of this notice.

IT IS THEREFORE ORDERED, that you complete this form and return it to the Clerk; of Court within twenty (20) days of service.

UNITED STATES DISTRICT COURT



Robert M. March, Clerk of Court