

Magistrate Judge Utilization Plan
U.S. District Court
Western District of Virginia
June 25, 2025

It is the policy of the court to promote the efficient utilization of magistrate judges, to provide an equitable system for a proportionate division of the caseload among magistrate judges, and to avoid unnecessary duplication of judicial action. Therefore, the court adopts the following Magistrate Judge Utilization Plan:

1. The following matters shall be assigned to a magistrate judge:
 - a. All appeals from the final decision of the Commissioner of Social Security pursuant to 42 U.S.C. § 405(g), (“Social Security appeals”), on a rotational basis without regard to division of filing. In all Social Security appeals the Clerk shall provide all parties with a copy of a form indicating that upon written consent of the parties the magistrate judges of this district have been designated to conduct any and all proceedings in a civil case, including the entry of final judgment. Prior to the magistrate judge taking any dispositive action in the case, the Clerk shall obtain from the parties’ written consent to the jurisdiction of the magistrate judge pursuant to Fed. R. Civ. P. 73 and 18 U.S.C. § 636(c). If a party declines to consent to jurisdiction before a magistrate judge, the Clerk shall reassign the case to a district judge according to the court’s current Standing Order on case assignments. The assigned magistrate judge shall remain the referral judge on any case reassigned to a district judge for the completion of a Report and Recommendation pursuant to Fed. R. Civ. P. 72(b)(1);
 - b. Petty offenses;
 - c. Any misdemeanor criminal case in which the defendant has consented either in writing or on the record to be tried before a magistrate judge and specifically waives the right to trial before a district judge pursuant to Fed. R. Crim. P. 58(b)(3);

- d. Civil cases, other than capital habeas cases, in which the parties have consented to final disposition of the matter by a magistrate judge pursuant to Fed. R. Civ. P. 73;
 - e. Criminal Complaints;
 - f. Applications for Search and Seizure Warrants;
 - g. Applications for pen registers, traps and traces and electronic tracking devices; and
 - h. Motions for records concerning electronic communication services or remote computing services pursuant to 18 U.S.C § 2703(c).
2. Except as specifically listed in Section 3 below, the following matters shall be referred to a magistrate judge:
- a. All civil cases, other than Social Security appeals, for pretrial proceedings and ruling on nondispositive and discovery motions, except motions in limine;
 - b. All felony criminal cases for initial appearance, arraignment, appointment of counsel, bond and detention hearing and all scheduling and status conferences as necessary and to hear and determine all pretrial procedural and discovery motions; and
 - c. All probation and supervised release revocation proceedings for appointment of counsel, initial appearance, probable cause and bond and detention hearings.
3. The following matters shall not be referred to a magistrate judge:
- a. Civil pretrial matters that are dispositive of a claim or defense and require de novo review by a district judge under Fed. R. Civ. P. 72(b) unless the matter requires an evidentiary hearing which can be conducted by a magistrate judge without being repeated before a district judge. Case dispositive matters include motions for judgment on the pleadings, motions for summary judgment, motions for injunctive relief, motions to dismiss for failure to state a claim upon which relief may be granted, motions to dismiss or permit maintenance of a class action and motions to involuntarily dismiss an action. See 28 U.S.C. § 636(b)(1)(A);
 - b. Prisoner petitions and habeas corpus cases unless the matter is not a capital habeas case and requires an evidentiary hearing

which can be conducted by a magistrate judge without being repeated before a district judge;

- c. Case dispositive matters in criminal felony cases, including motions to dismiss or quash an indictment or information made by a defendant and motions to suppress evidence;
- d. Acceptance of guilty pleas of defendants in criminal felony cases pursuant to Fed. R. Crim. P. 11, generally, unless there are exceptional circumstances that warrant referral;
- e. Trial-related motions integral to the trial process, such as motions in limine, motions to admit or exclude Fed. R. Evid. 404(b) evidence and motions to exclude/strike witnesses;
- f. Claim construction hearings and determinations in patent infringement cases;
- g. Bankruptcy appeals; and
- h. Motions for attorneys' fees in cases tried or handled by a district judge.

4. Magistrate judges also perform the following duties:

- a. Conduct settlement conferences;
- b. Preside over naturalization ceremonies;
- c. Empanel grand juries;
- d. Preside over grand jury returns;
- e. Preside over Diversion Courts;
- f. Court governance responsibilities; and
- g. Such additional duties as are not inconsistent with the Constitution and laws of the United States.