



United States District Court

DISTRICT OF SOUTH DAKOTA

LR 72.1 MAGISTRATE JUDGE DUTIES

A. General Designation. In every civil case, the court designates the magistrate judge assigned to the case to perform the following duties authorized by 28 U.S.C. § 636:

1. Hear and determine any pretrial matter pending before the court, except a motion: for injunctive relief, for judgment on the pleadings, for summary judgment, to dismiss or to permit maintenance of a class action, to dismiss for failure to state a claim upon which relief can be granted, or to involuntarily dismiss an action.
2. Conduct hearings, including evidentiary hearings, and submit to the district judge proposed findings and recommendation for the disposition of:
 - a. dispositive pretrial matters such as motions for injunctive relief, for judgment on the pleadings, for summary judgment, to dismiss or to permit maintenance of a class action, to dismiss for failure to state a claim upon which relief can be granted, or to involuntarily dismiss an action;
 - b. applications for posttrial relief made by individuals convicted of criminal offenses;
 - c. prisoner petitions challenging conditions of confinement; and
 - d. resolution of social security disability appeals.
3. Serve as a special master upon consent of the parties in civil cases.

B. Specific Designation. The district judge assigned to a case may specifically designate a magistrate judge to perform any of the duties authorized by 28 U.S.C. § 636(b). In performing the designated duties, the magistrate judge must conform to the Local Rules and the instructions of the district judge.

C. Consent Jurisdiction.

1. In every case, upon consent of the parties, the court specifically designates the assigned full-time magistrate judge under 28 U.S.C. § 636(c) to conduct the proceedings in a civil matter and to order the entry of judgment.
2. To consent in all cases except social security cases, a party must complete and mail the consent form found on the court's website under Forms **AO Forms 85** Notice, Consent, and Reference of a Civil Action to a Magistrate Judge to the clerk. The clerk will only file the form and reassign the case if all parties have consented to the referral.