

New Jersey Federal Court Rules
United States District Court for the District of New Jersey
Local Civil Rules

U.S.Dist.Ct.Rules D.N.J., L.Civ.R. 72.1

Civ. Rule 72.1 United States Magistrate Judges

Currentness

Each Magistrate Judge is authorized to perform all judicial duties assigned by the Court that are consistent with the Constitution and the laws of the United States which include, but are not limited to, the following:

(a) Duties in Civil Matters

(1) *Non-Dispositive Motions*. Hearing and determining any pretrial motion or other pretrial matter, other than those motions specified in L.Civ.R. 72.1(a)(2), in accordance with 28 U.S.C. § 636(b)(1)(A) and Fed. R. Civ. P. 72. An appeal from a Magistrate Judge's determination of such a non-dispositive motion shall be served and filed in accordance with L.Civ.R. 72.1(c)(1).

(2) *Dispositive Motions*. Hearing and conducting such evidentiary hearings as are necessary or appropriate and submitting to a Judge proposed findings of fact and recommendations for the disposition of motions for injunctive relief (including temporary restraining orders and preliminary injunctions), for judgment on the pleadings, for summary judgment, to dismiss or permit the maintenance of a class action, to dismiss for failure to state a claim upon which relief may be granted, to involuntarily dismiss an action, for judicial review of administrative determinations, for review of default judgments, and for review of prisoners' petitions challenging conditions of confinement, in accordance with 28 U.S.C. § 636(b)(1)(B) and (C) and Fed. R. Civ. P. 72. Any party may object to the Magistrate Judge's proposed findings, recommendations or report issued under this Rule by serving and filing an objection in accordance with L.Civ.R. 72.1(c)(2).

(3) *Civil Case Management*

(A) Exercising general supervision of the civil calendars of the Court, conducting calendar and status calls, and determining motions to expedite or postpone the trial of cases for the Judges.

(B) Conducting pretrial conferences as set forth in Fed. R. Civ. P. 16 and 26(f), which include but are not limited to scheduling, settlement, discovery, preliminary and final pretrial conferences, and entry of appropriate orders, including scheduling orders in accordance with L.Civ.R. 16.1 and Fed. R. Civ. P. 16.

(C) As part of the Magistrate Judge's general supervision of the civil calendar, the Magistrate Judge shall conduct scheduling conferences and enter scheduling orders in accordance with Fed. R. Civ. P. 16 in all civil cases except the following:

- (i) all actions in which one of the parties appears pro se and is incarcerated;

(ii) all actions for judicial review of administrative decisions of Government agencies or instrumentalities where the review is conducted on the basis of the administrative record;

(iii) proceedings in bankruptcy, prize proceedings, sales to satisfy liens of the United States, and actions for forfeitures and seizures, for condemnation, or for foreclosure of mortgages;

(iv) proceedings for admission to citizenship or to cancel or revoke citizenship;

(v) proceedings for habeas corpus or in the nature thereof, whether addressed to Federal or State custody;

(vi) proceedings to compel arbitration or to confirm or set aside arbitration awards;

(vii) proceedings to compel the giving of testimony or production of documents under a subpoena or summons issued by an officer, agency or instrumentality of the United States not provided with authority to compel compliance;

(viii) proceedings to compel the giving of testimony or production of documents in this District in connection with discovery, or testimony de bene esse, or for perpetuation of testimony, for use in a matter pending or contemplated in another court;

(ix) proceedings for the temporary enforcement of orders of the National Labor Relations Board; and

(x) proceedings instituted for prosecution in a summary manner in the Superior Court of New Jersey and removed to this Court on diversity only.

(4) Conducting voir dire and selecting petit juries for the Court and, in the absence of the Judge, accepting petit jury verdicts in civil cases.

(5) Issuing subpoenas, writs of habeas corpus ad testificandum or habeas corpus ad prosequendum, or other orders necessary to obtain the presence of parties or witnesses or evidence needed for court proceedings.

(6) Conducting proceedings for the collection of civil penalties of not more than \$1000 assessed in accordance with [46 U.S.C. § 2302](#).

(7) Conducting examinations of judgment debtors, in accordance with [Fed. R. Civ. P. 69](#).

(8) Reviewing petitions in civil commitment proceedings under Title III of the Narcotic Addict Rehabilitation Act.

(9) Issuing warrants or entering orders permitting entry into and inspection of premises, and/or seizure of property, in noncriminal proceedings, as authorized by law, when properly requested by the IRS or other governmental agencies.

(10) Serving as a special master in an appropriate civil action, pursuant to 28 U.S.C. § 636(b)(2) and Fed. R. Civ. P. 53. The Magistrate Judge may, where the parties consent, serve as a special master in any civil action without regard to the provisions of Fed. R. Civ. P. 53(b) and try the issues of any civil action. The entry of final judgment in the civil action, however, shall be made by a Judge or at the direction of a Judge with the consent of the parties.

(11) Administering oaths and affirmations and taking acknowledgments, affidavits, and depositions.

(12) Supervising proceedings conducted pursuant to 28 U.S.C. § 1782 with respect to foreign tribunals and to litigants before such tribunals.

(b) Duties in Proceedings for Post-Conviction Relief. A Magistrate Judge may exercise the powers enumerated in Rules 5, 8, 9 and 10 of the Rules Governing §§ 2254 and 2255 Proceedings, in accordance with the standards and criteria established in 28 U.S.C. § 636(b)(1).

(c) Appeals from Judgments and Other Orders

(1) Appeals from Non-Dispositive Orders

(A) Any party may appeal from a Magistrate Judge's determination of a non-dispositive matter within 14 days after the party has been served with a copy of the Magistrate Judge's order, unless a motion for reargument of the matter pursuant to L.Civ.R. 7.1(i) has been timely filed and served, in which case the time to appeal will begin to run when the parties are served with a copy of the Magistrate Judge's order rendering a determination on the merits of such a motion. Such party shall file with the Clerk and serve on all parties a written notice of appeal which shall specifically designate the order or part thereof appealed from and the basis for objection thereto. The notice of appeal shall be submitted for filing in the form of a notice of motion conforming with the requirements of L.Civ.R. 7.1. The party filing an appeal shall provide to the Court a transcript of that portion of the hearing before the Magistrate Judge wherein findings of fact were made, no later than 14 days before the return date of the motion. Any party opposing the appeal shall file a responsive brief at least 14 days prior to the motion day. Should the party appealing wish to reply to any responsive brief filed by the opposition, that party must file a reply brief at least seven days prior to the motion day. A cross-appeal related to the subject matter of the original determination may be filed by the responding party together with that party's opposition and may be noticed for a hearing on the same day as the original appeal, as long as the responding papers are timely filed. A brief in response to the cross-appeal may be filed at least seven days prior to the date originally noticed for argument. Each of the above periods may be altered by the Magistrate Judge or Judge. A Judge shall consider the appeal and/or cross-appeal and set aside any portion of the Magistrate Judge's order found to be clearly erroneous or contrary to law.

(B) Except as provided in (C) below, the filing of such a motion or cross-motion to appeal does not operate to stay the order pending appeal to a Judge. A stay of a Magistrate Judge's order pending appeal must be sought in the first instance from the Magistrate Judge whose order had been appealed, upon due notice to all interested parties.

(C) The Clerk shall take no action with respect to a Magistrate Judge's order for transfer of venue or denying a motion to seal under L. Civ. R. 5.3 until 14 days from the filing of such an order. In the event that a notice of appeal from such an order is filed within the time allowed in the Rule, the Clerk shall take no action until the appeal is decided by the Judge.

(2) *Objections to Magistrate Judge's Proposed Findings, Recommendation or Report.* Any party may object to the Magistrate Judge's proposed findings, recommendations or report issued under this Rule within 14 days after being served with a copy thereof. Such party shall file with the Clerk and serve on all parties written objections which shall specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis of such objection. Such party shall file with the Clerk a transcript of the specific portions of any evidentiary proceeding to which objection is made. A Judge shall make a de novo determination of those portions to which objection is made and may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. The Judge, however, need not normally conduct a new hearing and may consider the record developed before the Magistrate Judge, making his or her own determination on the basis of that record. The Judge may also receive further evidence, recall witnesses or recommit the matter to the Magistrate Judge with instructions.

Source: L.Civ.R. 72.1(a)(1)-(2)--G.R. 40.A.1-2; L.Civ.R. 72.1(a)(3)-(9)--G.R. 40.A.4-10; L.Civ.R. 72.1(a)(10)-(12)--G.R. 40.A.12-14; L.Civ.R. 72.1(b)--G.R. 40.C.; L.Civ.R. 72.1(c)(1)--G.R. 40.D.4; L.Civ.R. 72.1(c)(2)--G.R. 40.D.5.

Credits

[Effective April 1, 1997. Amended March 31, 1999; March 9, 2007; March 1, 2010; June 19, 2013.]

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Local federal district and bankruptcy court rules and ECF documents are current with amendments received through August 1, 2022. All other local federal district and bankruptcy court materials are current with amendments received through August 1, 2022.