

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

STANDING ORDER OF REFERENCE
FOR PRISONER LITIGATION FILED PURSUANT
TO 42 U.S.C. § 1983
STANDING ORDER NO. 3

U.S. DISTRICT COURT
FILED AT WHEELING, WV

APR - 6 2000

NORTHERN DISTRICT OF WV
OFFICE OF THE CLERK

Miscellaneous No. 5:00-MC-12

Upon receipt of a properly completed complaint, trust account, consent to collection of fees from trust account form, and a full filing fee, or partial initial filing fee or an affidavit in lieu thereof, pursuant to 28 U.S.C. § 636 (b) (1) (A) and § 636 (b) (1) (B), it is hereby ORDERED that all actions filed by prisoners pursuant to 42 U.S.C. § 1983 be referred to the United States Magistrate Judge designated by Standing Order No. 2 who is hereby designated and authorized to consider the record and do all things proper to recommend disposition of any dispositive motions filed in this matter and to rule upon any nondispositive motions, including, without limitation, conducting a hearing on motions, if necessary, and entering into the record a written order setting forth the disposition of the motions or recommendation for disposition, as the case may be. The magistrate judge is DIRECTED to conduct as soon as practicable a screening of the complaint pursuant to 28 U.S.C. §1915(a) & (b) and 28 U.S.C. §1915(e)(2)(1996) and to make a recommendation for disposition.

If the United States Magistrate Judge's report and recommendation on the initial screening is TO DISMISS and it is accepted and adopted by the United States District Judge, the action shall be dismissed and stricken from the docket.

If the United States Magistrate Judge's report and recommendation on the initial screening is NOT TO DISMISS and it is accepted and adopted by the United States District Judge, the initial scheduling of each action shall be as follows:

(1) Service of the Complaint: The Clerk shall forward the completed USM 285 form to the United States Marshall for service.

(2) Notice of Right to Trial by Magistrate Judge. The Clerk shall provide all parties AO Form 85 Consent to Exercise Jurisdiction by a Magistrate Judge.

(3) Consent to Trial by Magistrate Judge. Within thirty (30) days of the service of complaint, each party shall advise the Clerk in writing whether or not it will consent to having the United States Magistrate Judge assigned to conduct any and all proceedings in this matter pursuant to 28 U.S.C. §636(c).

(4) Discovery. All discovery shall be fully served and completed within one hundred twenty (120) days of service of the complaint. "Completed discovery" as used in Fed. R. Civ. P. 16(b) means that all discovery, objections, motions to compel and all other motions and replies relating to discovery in this civil action must be filed in time for the parties objecting or responding to have the opportunity under the Federal Rules of Civil Procedure to make responses.

(5) Dispositive Motions. All dispositive motions, as well as deposition transcripts, admissions, documents, affidavits, and any other such matters in support thereof, shall be filed within one hundred fifty (150) days of service of the complaint. Any such motion must be supported by a memorandum at the time the motion is filed with the Clerk. Memoranda in opposition to such motions shall be delivered to the Clerk with copies served upon opposing counsel on or before one hundred sixty-five (165) days of service of the Complaint. Any reply memoranda shall be delivered to the Clerk with copies served upon opposing counsel within one hundred eighty (180) days of service of the complaint. These deadlines include the additional time allotted by Fed. R. Civ. P. 6(e).

(6) Deadlines Final. The time limitations set forth above shall not be altered except as set forth in LR16.1(f). All dates for submissions, deliveries, and filings with the Clerk or the Court refer to the date the materials must actually be received, not the mailing date.

(7) A copy of this standing order shall be mailed to all parties by the Clerk in each case filed under 42 U.S.C. § 1983.

ENTERED: March 24, 2000



FREDERICK P. STAMP, JR.
UNITED STATES DISTRICT COURT CHIEF JUDGE



IRENE M. KEELEY
UNITED STATES DISTRICT COURT JUDGE



W. CRAIG BROADWATER
UNITED STATES DISTRICT COURT JUDGE



ROBERT E. MAXWELL
UNITED STATES DISTRICT COURT JUDGE