

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

**STANDING ORDER OF REFERENCE**  
**FOR PRISONER LITIGATION FILED PURSUANT**  
**TO 28 U.S.C. § 2254**  
**STANDING ORDER NO. 5**

U.S. DISTRICT COURT  
FILED AT WHEELING, WV

APR - 6 2000

NORTHERN DISTRICT OF WV  
OFFICE OF THE CLERK

Miscellaneous No. 5:00-MC-14

Upon receipt of an original and two copies of a properly completed petition for writ of habeas corpus, 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 a prisoner pursuant to 28 U.S.C. § 2254 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.

If the United States Magistrate Judge's report and recommendation after preliminary consideration of the petition is that petitioner is not entitled to relief and 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 and the Clerk shall so notify the petitioner.

If the United States Magistrate Judge's report and recommendation after preliminary consideration of the petition is that petitioner may be entitled to relief and 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:

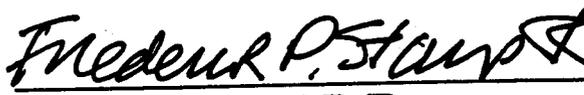
(1) Service of the Complaint: The Clerk shall forward the completed USM 285 form to the United States Marshal for service.

(2) Answer of Respondent. The respondent shall answer the petition or otherwise move with respect to it within thirty (30) days of service of the petition.

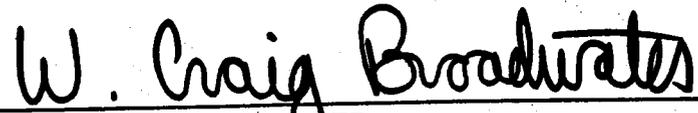
(3) Deadlines Final: The time limitations set forth above shall not be altered except as set forth in LR16.1(f). All dates for submissions, deliveries, and filings with the Clerk or the Court refer to the date the materials must actually be received, not the mailing date.

(4) A copy of this standing order shall be mailed to all parties by the Clerk in each case filed under 28 U.S.C. § 2254.

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