

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

**AMENDMENT TO PART I, SECTION C, "CASE ASSIGNMENT,"
OF THE AMENDED PLAN FOR DISPOSITION OF *PRO SE* CASES
[ADOPTED AND FILED OCTOBER 1, 1996] and
AMENDMENT TO PART I, SECTION C, "CASE ASSIGNMENT,"
OF THE AMENDED PLAN FOR DISPOSITION OF *PRO SE* CASES,
FILED OCTOBER 22, 1997**

Part I. Section C of the Amended Plan for the Disposition of *Pro Se* Cases [Adopted and Filed October 1, 1996], and the Amendment to Part I, Section C, "Case Assignment," of the Amended Plan for the Disposition of *Pro Se* Cases, filed October 22, 1997, are hereby amended, effective upon the filing of this Amendment, as follows:

Paragraphs 2-11 of the existing Amended Plan and Amendment to Part I, Section C, "Case Assignment," are hereby vacated. Those paragraphs, 2-11, are replaced and superseded by the following amended paragraphs:

2. The Clerk of the Court shall, upon filing, randomly assign each *pro se* case to a district judge. All cases filed by a *pro se* plaintiff/petitioner shall be assigned to the same district judge and magistrate judge to whom the last case previously filed by the same plaintiff/petitioner had been assigned.

3. All *pro se* civil rights actions and habeas corpus petitions filed by inmates shall, upon filing, be assigned to a district judge and magistrate judge. The District's senior district judges shall be assigned prisoner *pro se* cases on any basis they choose.

4. At the time of filing of the *pro se* complaint/petition, the parties shall be informed of their right to consent to final disposition of the case by a magistrate judge pursuant to 28 U.S.C. § 636(c), and provided with the requisite form for indicating their consent to proceed for all purposes before a magistrate judge pursuant to 28 U.S.C. § 636(c). Plaintiff/Petitioner shall return the executed forms to the Clerk of the Court within 30 days and the defendant(s) shall do the same at the time of entry of the defendant's first appearance in the case. The Clerk of the Court shall maintain the confidentiality of the parties' decisions on the issue of consent, and shall not inform any district or magistrate judge of the parties' responses unless all parties consent to such disclosure.


5. If all parties consent to proceed to disposition before the magistrate judge, the Clerk of Court shall prepare for the district judge's signature an order of reference pursuant to 28 U.S.C. § 636(c).

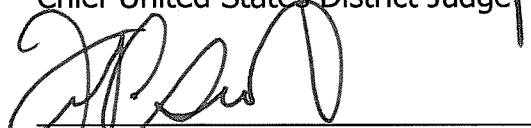
6. An appeal of any judgment entered by a magistrate judge pursuant to the consent of parties will be to the Court of Appeals for the Second Circuit.

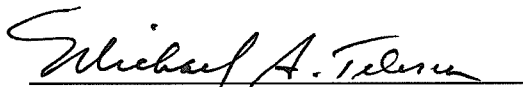
7. This assignment shall be interpreted and enforced as to fully protect the voluntariness of the parties' consent and no judicial officer or court employee shall take any action that implies that adverse consequences may result if the parties withhold consent.

SO ORDERED.

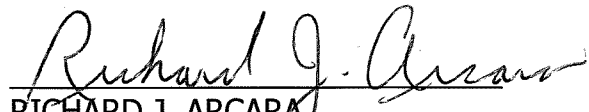
Dated: June 7, 2013
Buffalo, New York


WILLIAM M. SKRETNY
Chief United States District Judge

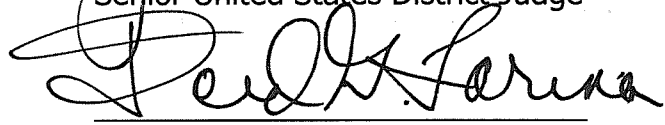

FRANK P. GERACI, JR.
United States District Judge


MICHAEL A. TELESKA
Senior United States District Judge


CHARLES J. SIRAGUSA
Senior United States District Judge


RICHARD J. ARCARA
United States District Judge


JOHN T. CURTIN
Senior United States District Judge


DAVID G. LARIMER
Senior United States District Judge