

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

FILED

2015 DEC 11 AM 8:07

IN THE MATTER OF:

WACO DIVISION

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§  
§  
§

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY MFO  
DEPUTY CLERK

ORDER CONCERNING WACO DIVISION CRIMINAL AND CIVIL CASES  
FILED DECEMBER 3, 2015 AND THEREAFTER AND ORDER OF REFERRAL

IT IS ORDERED that all criminal and civil case filings originating in the Waco Division of the United States District Court for the Western District of Texas filed on or after December 3, 2015 will be assigned to a docket called the Visiting Judge Docket.

In accordance with the authority vested in the United States Magistrate Judge pursuant to Local Rule CV-72 and Appendix C, Local Rules for the Assignment of Duties to United States Magistrates, and 28 U.S.C. § 636(b), Waco Division criminal and civil cases filed on and after December 3, 2015 are hereby REFERRED to United States Magistrate Judge Jeffrey C. Manske for pretrial proceedings including any requests for injunctive relief.

I. MATTERS REFERRED

This reference confers the following duties upon the Magistrate Judge to whom these cases are assigned, the parties and their counsel:

(1) The Magistrate Judge shall enter a Scheduling Order or issue an Order for Scheduling Recommendations. The Magistrate Judge has discretion to extend or otherwise modify the scheduling order deadlines upon on a showing of good cause. However, once the Magistrate Judge has ruled on any matter, objections to and/or appeals from the Magistrate Judge's rulings shall not be considered good cause for the extension of any deadline.

(2) If they have not done so, the parties in civil cases shall indicate to the District Clerk in writing whether they are willing to consent to trial before the Magistrate Judge pursuant to 28 U.S.C. § 636(c)(2) when ordered to do so by the Magistrate Judge.

(3) The Magistrate Judge shall rule on all pretrial motions, pursuant to 28 U.S.C. § 636(b)(1)(A). Where the Magistrate Judge's authority to make rulings is limited by statute, a recommendation to the District Judge assigned to the case shall be made in lieu of an order, pursuant to 28 U.S.C. § 636(b)(1)(B) and (c); unless all parties consent that the Magistrate Judge may rule on such otherwise exempt matters, pursuant to 28 U.S.C. § 636(c)(1).

(4) Unless the parties have consented to proceed to trial before the Magistrate Judge in accordance with Paragraph (2), supra, the Magistrate Judge shall return the case to a District Judge who will be assigned to the case upon the submission of the proposed pretrial order and the ruling and/or filing of recommendations on all pretrial motions pending at the time the pretrial order is submitted.

## II. MATTERS NOT REFERRED

This reference includes any pretrial matter not specifically mentioned above; however, this reference does not include the following:

(1) Settlement Agreements and Trial. Should the parties reach a settlement of a case, the matter will be assigned to a District Judge for entry of the settlement agreement or for trial, if necessary. The parties should contact the District Judge assigned to the case in writing or telephonically about the status of the case, either settlement or trial.

## III. OBJECTIONS AND APPEALS

Appeals from the Magistrate Judge's orders and objections to the Magistrate Judge's recommendations shall be made in compliance with 28 U.S.C. § 636(b)(1), Rule 72 of the Federal Rules of Civil Procedure, and Rule 4 of Appendix C to the Local Rules. Such objections and appeals shall be limited to issues first raised before the Magistrate Judge; failure to bring any defect in any order or recommendation to the attention of the Magistrate Judge prior to raising the issue before the District Judge assigned to the case shall be deemed a waiver of issue.

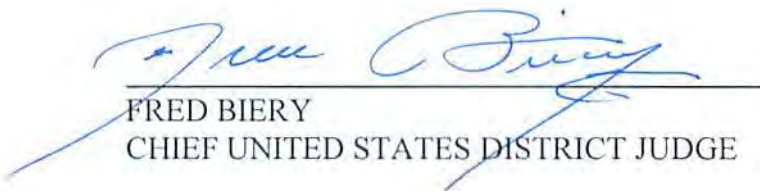
## IV. MATTERS INVOLVING CRIMINAL CASES

The Magistrate Judge shall manage the criminal case docket in compliance with the Speedy Trial Act and all applicable statutes and rules until such time as any cases are ready for trial, whereupon a case shall be assigned to a District Judge for trial. For defendants wishing to enter pleas of guilty, the Magistrate Judge shall take the plea, whereupon the matter shall then be assigned to a District Judge for sentencing.

IT IS FURTHER ORDERED that this Order may be amended from time to time as implementation of the above delineated procedures may necessitate.

It is so ORDERED.

SIGNED this 11<sup>th</sup> day of December, 2015.

  
FRED BIERY  
CHIEF UNITED STATES DISTRICT JUDGE