

73.1 SPECIAL PROVISIONS FOR THE DISPOSITION OF CIVIL CASES BY A MAGISTRATE JUDGE ON CONSENT OF THE PARTIES IN ACCORDANCE WITH SECTION 636(c), TITLE 28, UNITED STATES CODE

- (a) **Notice.** The Clerk of Court shall notify the parties in all civil cases that they may consent to have a magistrate judge conduct any or all proceedings in the case and order the entry of a final judgment. Such notice shall be handed or mailed to the plaintiff or the plaintiff's representative at the time an action is filed and to other parties as attachments to copies of the complaint and summons, when served. Additional notices may be furnished to the parties at later stages of the proceedings and may be included with pretrial notices and instructions.
- (b) **Execution of Consent.** The Clerk shall not accept a consent form unless it has been signed by all the parties in a case. The plaintiff shall be responsible for securing the execution of a consent form by the parties and for filing such form with a Clerk of Court. No consent form will be made available, nor will its contents be made known to any judge or magistrate judge, unless all parties have consented to the reference to a magistrate judge. No magistrate judge, judge, or other court official may attempt to persuade or induce any party to consent to the reference of any matter to a magistrate judge. This Rule, however, shall not preclude a judge or magistrate judge from informing the parties that they may have the option of referring a case to a magistrate judge.
- (c) **Reference.** After the consent form has been executed and filed, the Clerk shall transmit it to the judge to whom the case is assigned for approval and referral of the case to a magistrate judge. Once the case has been assigned to a magistrate judge, the magistrate judge shall have the authority to conduct any and all proceedings to which the parties have consented and to direct the Clerk of Court to enter final judgment in the same manner as if a judge had presided.
- (d) **Appeal from Judgments in Civil Cases Disposed on Consent of the Parties [28 U.S.C. Sec. 636(c)].**
1. Appeal to the Court of Appeals. Upon the entry of judgment in any civil case disposed of by a magistrate judge on consent of the parties under authority of Sec. 636(c), Title 28, United States Code, and Rule 72.1(h), *supra*, an aggrieved party shall appeal directly to the United States Court of Appeals for the Eighth Circuit in the same manner as an appeal from any other judgment of this Court.