UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2005-9

FILED by ___ D.C.
JAN 31 2005
CLARENCE MADDOX
CLERK U.S. DIST. CT.
S.D. OF FLA. - MIAMI

IN RE: MODIFICATION OF MAGISTRATE JUDGE PAIRING ASSIGNMENT PLAN (Southern/Miami Division)

_____/

Administrative Order 2002-02 (amended by Administrative Orders 2002-58, 2003-112, and 2004-23) modified the Magistrate Judge Pairing Assignment Plan for the Southern/Miami Division. The modifications effectuated by that Order are for a period of three years, commencing April 1, 2002, and expiring March 31, 2005. It is hereby

ORDERED that commencing April 1, 2005, and for three years thereafter, the Judges and Magistrate Judges for Miami will be paired as follows:

District Judges	Paired Magistrates
Judges Gold (civil only) and Altonaga	Judge Turnoff
Judges Gold (criminal only) and Martinez	Judge Bandstra
Judges Cooke, Hoeveler, and Middlebrooks (Miami criminal only)	Judge Brown
Judges Moore and King	Judge Garber
Judges Moreno and Huck	Judge Simonton
Judges Graham and Ungaro	Judge O'Sullivan
Judges Lenard and Jordan	Judge Klein
Judges Seitz and Highsmith	Judge McAliley

In order to effect the orderly transfer of cases in accordance with the pairing plan, the following procedures apply:

I. As of April 1, 2005, and subsequently at the end of each three year period in all cases assigned to district judges with whom the magistrate judge is not paired, each magistrate judge shall retain until disposition all previously referred fully briefed motions. In addition, each magistrate judge shall dispose of all other referred motions that become ripe for disposition in such cases until all fully briefed motions have been ruled upon by the magistrate judge. Upon the magistrate judge's disposition of all fully briefed motions in any case assigned to a district judge with whom the magistrate judge is not paired, the magistrate judge shall certify to the district judge to whom the case is assigned that all such motions have been ruled upon and the district judge will then issue an order directing the clerk of court to transfer the case to the new "paired" magistrate judge. The magistrate judges shall use their best efforts to dispose of all motions in cases assigned to district judges with whom they are not paired within 60 days of the commencement of each three year rotation. At the conclusion of the 60 day period, each magistrate judge shall make a written status report to the Chief Judge about each such case retained from a judge with whom the magistrate judge is not

paired.

Any consent trial, consent motion for summary judgment, and other "consent motion" shall remain with the magistrate judge who was assigned to the case when the consent was given.

II. In the event of a lower-case transfer or a recusal by a district judge within 30 days of a case assignment, the clerk's office shall concurrently reassign the case to a district judge and the magistrate judge with whom the newly-assigned district judge is paired. In the case of all other district judge recusals, the procedures set forth in (I) above, shall apply.

III. In any case filed after April 1, 2005, from which a magistrate judge recuses himself or herself, the clerk's office shall randomly assign another magistrate judge to the case. For any case filed before April 1, 2005, which is subject to transfer pursuant to the Court's magistrate judge pairing plan, but with respect to which the transferee magistrate judge recuses himself or herself, the case shall be returned to the transferor magistrate judge.

IV. District judges shall retain full discretion concerning the type and volume of matters referred. However, referrals shall be only to the "paired" magistrate judge, unless a district judge after conferring with and obtaining the agreement of the district

judges with whom another magistrate judge is paired determines that a case or motions should be assigned to or remain with such other magistrate judge (e.g., because of a prior related case, because a magistrate judge has devoted substantial time to an unusually complex case, or for some other meritorious reason), and so notify the clerk in writing.

This Order vacates Administrative Orders 2002-02, 2002-58, 2003-112, and 2004-23.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this 28th day of January 2005.

WILLIAM J. ZLOCH
CHIEF UNITED STATES DISTRICT JUDGE

c: Chief Judge J. L. Edmondson, Eleventh Circuit
All Southern District Judges
All Southern District Magistrate Judges
United States Attorney
Federal Public Defender
Chief Pretrial Services Officer
Lucy Lara, Case Assignment Administrator
Clarence Maddox, Court Administrator • Clerk of Court
Library