

Northern District of Indiana Practitioners:

The Northern District of Indiana will adopt a new General Order regarding the assignment of Civil Cases effective July 7, 2025. The new order will generally include the direct assignment of cases to the Magistrate Judges in the District in the same manner as cases are assigned to active District Judges. After the Rule 16(b)(1) Scheduling Order is entered, the Clerk will provide all parties with a copy of a Notice of Availability of a United States Magistrate Judge to Exercise Jurisdiction advising the parties that upon written consent of the parties, the Magistrate Judge will conduct any and all proceedings in the case, including ruling upon dispositive motions and conducting a jury or nonjury trial. If a party declines to consent to the Magistrate Judge, the Clerk will reassign the case to a District Judge in accordance with the General Order. If each party consents, the case will remain with the assigned Magistrate Judge. Parties will also be given the opportunity to consent to the Magistrate Judge in cases directly assigned to a District Judge.

Magistrate Judges have been called “an indispensable resource” who are “fundamentally important” to the federal judicial system because they “perform critical duties to ensure the timely adjudication of both civil and criminal cases.” In 2024 Magistrate Judges disposed of 1,349,904 matters and terminated 17,478 civil cases on consent.

Consenting to a Magistrate Judge offers significant benefits to litigants. Because the Magistrate Judges do not have the same scheduling restrictions as District Judges, who are required to prioritize the adjudication of criminal cases, cases are typically resolved more quickly by a Magistrate Judge than a District Judge oftentimes resulting in significant cost savings to the parties.

The Northern District of Indiana is especially proud of the Magistrate Judges serving on the Court. Each of the Magistrate Judges was selected as a result of a merit-based selection process. A merit selection panel made up of attorneys and community leaders narrowed the applicants to five, and the judges of the Northern District of Indiana interviewed each of the finalists before making their ultimate selection. Our Magistrate Judges have diverse professional backgrounds making them well equipped to handle all types of cases.

The Magistrate Judges will discuss the consent process during the Preliminary Pretrial Conference and more fully discuss the benefits of consents. We encourage you to also discuss the benefits of consent with your clients in advance of the Preliminary Pretrial Conference.

Sincerely,

Holly A. Brady, Chief Judge

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA

IN RE: ASSIGNMENT OF CIVIL CASES

General Order No. 2025-\_\_

GENERAL ORDER

This general order is adopted pursuant to 28 U.S.C. § 137 and Local Rule 40-1, providing for distribution of the court's business and caseload among the United States District Judges and United States Magistrate Judges in such a manner as may be prescribed by order of the court.

This Order supersedes General Order No. 2024-29 entered September 18, 2024, and shall not affect the assignment of criminal cases. The separate assignment wheel for Social Security Appeals created by General Order 2018-14 entered on September 4, 2018, and since supplemented by General Order 2024-27 entered on August 30, 2024, is not affected by this General Order.

1. Assignment of Cases to District Judges

*a. General Provisions*

Except as hereinafter provided, civil cases filed in Fort Wayne will be randomly assigned to Chief Judge Holly A. Brady or Judge Cristal C. Brisco, with Chief Judge Brady taking a full share and Judge Brisco taking 10% of a full share. Civil cases filed in Hammond and Lafayette will be randomly assigned to Judge Philip P. Simon, Judge Gretchen S. Lund, Judge James T. Moody, Judge Theresa L. Springmann, or Judge Jon E. DeGuilio, with Judge Simon and Judge Lund each taking a full share. Civil cases filed in South Bend will be randomly assigned to Judge Damon R. Leichty or Judge Brisco, who will each take a full share.

Each senior judge shall receive a percentage of the total number of cases assigned to an active judge. The percentage of any senior judge's caseload is subject to change and shall be based

upon the judge's annual request for certification under the Ethics Reform Act of 1989, 28. U.S.C. § 371, the Judicial Conference rules implementing § 371, *see* Guide to Judiciary Policies and Procedures, Vol. 12, § 620.45, and the Seventh Circuit Guidelines to Determining the Staffing Requirements of Senior and Recalled Judges (rev. December 15, 2014).

Notwithstanding any other provision of this General Order, the Clerk shall assign any non-capital habeas petition to the same judge who was assigned the most recently filed petition by that petitioner. In the event the presiding judge no longer accepts such assignments, the matter will be randomly reassigned by the Clerk to a District Judge accepting them.

Notwithstanding any other provision of this General Order, the Clerk shall assign a bankruptcy matter to the same judge who was assigned any previously filed bankruptcy matter arising from the same case in the United States Bankruptcy Court. In the event the presiding judge no longer accepts such bankruptcy assignments, the matter will be randomly reassigned by the Clerk to a District Judge in the same division.

*b. Assignment of a Magistrate Judge*

Except as hereinafter provided or unless otherwise directed by the presiding judge, every civil case filed in the Northern District of Indiana that is assigned to a District Judge shall also be assigned to a Magistrate Judge located in the division of the court in which the case is filed for the purpose of conducting all non-dispositive pretrial proceedings, pursuant to 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a) and General Orders 2003-21, 2004-6, and 2022-31. Except as hereinafter provided, cases filed in Lafayette shall be randomly assigned to a Magistrate Judge located in Hammond.

For every civil case assigned to a Magistrate Judge under this section, the Clerk shall notify the parties of the option to consent to jurisdiction by a Magistrate Judge and, with that notification,

provide a “Notice of Availability of a United States Magistrate Judge to Exercise Jurisdiction” to each party. Unless otherwise specified in this order, the notifications described in this paragraph shall be issued immediately after the Rule 16(b)(1) Scheduling Order is entered. Each party shall have twenty-one (21) days after receipt of the notice to complete and return the Consent or Declination form to the Clerk of the Court in a manner outlined in the form.

In cases involving a pro se litigant, the Clerk shall issue a “Notice of Availability of a United States Magistrate Judge and Fast Track Litigation—For Cases With a Pro Se Litigant,” which informs the parties of the option to consent to jurisdiction by a Magistrate Judge and proceeding by Fast Track Litigation, in which the Magistrate Judge will adjudicate the case by bench trial within six months of the date of consent. The notice will inform the parties that by agreeing to Fast Track Litigation, they agree to waive the right to a jury trial, limited discovery and to not file motions for summary judgment. Unless otherwise specified in this order, the notifications described in this paragraph shall be issued immediately after the Rule 16(b)(1) Scheduling Order is entered. Each party shall have twenty-one (21) days after receipt of the notice to complete and return the Consent or Declination form to the Clerk of the Court in a manner outlined in the form.

If each party consents, the Clerk shall docket a notice of full consent and the case will remain with the assigned Magistrate Judge and that Magistrate Judge shall then conduct all proceedings, including the jury or bench trial, and may order the entry of a final judgment (See 28 U.S.C. § 636(c); Fed. R. Civ. P. 73; N.D. Ind. L.R. 40-1; N.D. Ind. L.R. 72-1). Once all parties to a case consent to the jurisdiction of a Magistrate Judge, the District Judge previously assigned to the action shall exercise no further jurisdiction over the case unless it becomes no longer fully consented because of the addition of a party who fails to consent. The addition of parties

necessarily requires the Clerk to notify them of the option to consent. If any party declines to consent, the case will remain with the assigned District Judge, and the Magistrate Judge will remain assigned for the purpose of conducting all non-dispositive pretrial proceedings.

While consent to the exercise of jurisdiction by the assigned Magistrate Judge is entirely voluntary, submission of the consent form, indicating whether the party consents or declines to consent, is mandatory. To protect the voluntariness of the parties' decision to consent or decline to consent, parties are advised that they are free to withhold consent without adverse substantive consequences, pursuant to 28 U.S.C. § 636(c)(2).

Nothing in this order shall be construed as a limitation of the assigned District Judge to refer, in his or her discretion, the case to a Magistrate Judge upon consent of all parties even though untimely filed.

## 2. Assignment of Cases to Magistrate Judges

The full-time Magistrate Judges of this District shall be included in the civil case assignment system in the same manner as active District Judges with Magistrate Judge assignments coinciding with the division of the case's filing, except for habeas corpus petitions, cases filed by a pro se plaintiff, and bankruptcy appeals or bankruptcy withdrawal of reference cases, with recalled Magistrate Judges being assigned in accordance with the terms of their recall.

For every civil case assigned to a Magistrate Judge under this section, unless otherwise specified in this order, the Clerk shall provide all parties with a copy of a "Notice of Availability of a United States Magistrate Judge to Exercise Jurisdiction," which shall indicate that upon written consent of the parties, the Magistrate Judges of this district have been designated to conduct any and all proceedings in a civil case, including a jury or nonjury trial and order the entry of a final judgment. The notice described in this paragraph shall be issued immediately after the Rule

16(b)(1) Scheduling Order is entered. Each party shall have twenty-one (21) days after receipt of the notice to complete and return the Consent or Declination form to the Clerk of the Court in a manner outlined in the Consent form.

Prior to the Magistrate Judge taking any dispositive action in the case, the Magistrate Judge shall verify the docket reflects the Clerk's having obtained the parties' written consent to the jurisdiction of the Magistrate Judge in accordance with 28 U.S.C. §636(c) and Fed. R. Civ. P. 73. In the event a dispositive motion is filed before a Rule 16(b)(1) Scheduling Order is entered, the Magistrate Judge shall direct the Clerk to issue consent forms after the dispositive motion is filed to ensure that consent is obtained before taking any dispositive action.

If a party declines to consent to a Magistrate Judge, the Clerk shall reassign the case to a District Judge in accordance with this Order, and the Magistrate Judge will remain assigned for the purpose of conducting all non-dispositive pretrial proceedings.

If each party consents, the Clerk shall docket a notice of full consent and the case will remain with the assigned Magistrate Judge and that Magistrate Judge shall then conduct all proceedings, including the jury or bench trial, and may order the entry of a final judgment (See 28 U.S.C. § 636(c); Fed. R. Civ. P. 73; N.D. Ind. L.R. 40-1; N.D. Ind. L.R. 72-1), unless it becomes no longer fully consented because of the addition of a party who fails to consent.

While consent to the exercise of jurisdiction by the randomly assigned Magistrate Judge is entirely voluntary, submission of the Consent form, indicating whether the party consents or declines to consent, is mandatory. To protect the voluntariness of the parties' decision to consent or decline to consent, parties are advised that they are free to withhold consent without adverse substantive consequences, pursuant to 28 U.S.C. § 636(c)(2).

In cases assigned to a Magistrate Judge where a motion for preliminary injunction or temporary restraining order is filed, the Clerk shall reassign the case to a District Judge in accordance with this Order.

3. Exceptions

The following exceptions shall be made in implementing this order:

(a) All petitions under 28 U.S.C. § 2254 filed by persons under sentence of death and all challenges to a method of execution shall be assigned on a rotating basis among the District Judges except as noted below. All related cases filed by the same petitioner will be assigned to the same presiding judge. In the event the presiding judge no longer accepts such assignments, the presiding judge may request that the matter be reassigned consistent with this provision.

(b) All petitions under 28 U.S.C. § 2255 shall be assigned to the presiding judge in the related criminal case. If the presiding judge is unavailable or no longer assigned criminal cases, then the § 2255 petition shall be randomly assigned to another judge in the same division as the related criminal case, except that: (1) in Hammond, Judge DeGuilio will be assigned § 2255 petitions arising from his Hammond criminal cases; and (2) in South Bend, Judge Brisco will be assigned § 2255 petitions arising from cases formerly assigned to Judge Allen Sharp, Judge Robert L. Miller, Jr., or Judge DeGuilio.

(c) All cases filed by a pro se prisoner will be assigned on a district-wide basis to a United States District Court Judge without regard to the courthouse or division in which the case is filed. Assignments shall be weighted to offset heavy criminal caseloads when necessary. A Magistrate Judge located in the division of the assigned presiding judge shall be assigned for the purpose of conducting all non-dispositive pretrial proceedings, pursuant to 28 U.S.C. § 636(b)(1)(A); FED. R. CIV. P. 72(a) and General Orders 2003-19, 2004-6, and 2022-31. The Clerk shall issue a

“Notice of Availability of a United States Magistrate Judge and Fast Track Litigation—For Cases With a Pro Se Litigant” immediately after the Rule 16(b)(1) Scheduling Order is entered, which informs the parties of the option to consent to jurisdiction by a Magistrate Judge and proceeding by Fast Track Litigation, in which the Magistrate Judge will adjudicate the case by bench trial within six months of the date of consent. The notice will inform the parties that by agreeing to Fast Track Litigation, they agree to waive the right to a jury trial, limited discovery, and to not file motions for summary judgment. Each party shall have twenty-one (21) days after receipt of the notice to complete and return the Consent or Declination form to the Clerk of the Court in a manner outlined in the form and detailed above.

(d) All cases filed under Nature of Suit 190 – Other Contract, will be assigned on a district-wide basis to either a United States District Court Judge or United States Magistrate Judge without regard to the courthouse or division in which the case is filed. Cases initially assigned to a District Judge shall also be assigned to a Magistrate Judge located in the division of the assigned presiding judge for the purpose of conducting all non-dispositive pretrial proceedings, pursuant to 28 U.S.C. § 636(b)(1)(A); FED. R. CIV. P. 72(a) and General Orders 2003-19, 2004-6, and 2022-31. In all cases filed under Nature of Suit 190 – Other Contract, the Clerk shall notify the parties of the option to consent to jurisdiction by a Magistrate Judge immediately after the Rule 16(b)(1) Scheduling Order is entered. Each party shall have twenty-one (21) days after receipt of the notice to complete and return the Consent or Declination form to the Clerk of the Court in a manner outlined in the form and detailed above.

(e) Judge Moody will share in a combined civil and criminal caseload equal to 40% of the total number of cases assigned to an active judge, but will not be assigned actions of the following types: Contract: Recovery Medicare (nature of suit code 151); truth-in-lending (nature of suit code



371); bankruptcy (nature of suit codes 422-423); Individuals with Disabilities Education Act (whether coded as nature of suit 440 or 448); labor (nature of suit codes 710-791); copyrights, patent and trademark (nature of suit codes 820, 830 and 840); Social Security (nature of suit codes 861-865); environmental (nature of suit code 893); §2254 petitions filed by persons under sentence of death (nature of suit code 535); class actions; complaints requesting replevin; or complaints which are titled as requesting a permanent injunction or are filed with an initial request for a temporary restraining order or preliminary injunction.

(f) Judge Springmann will share in a civil caseload equal to 40% of the total number of cases assigned to an active judge, but will not be assigned actions of the following types: Contract: Recovery Medicare (nature of suit code 151); truth-in-lending (nature of suit code 371); bankruptcy (nature of suit codes 422-423); Individuals with Disabilities Education Act (whether coded as nature of suit 440 or 448); labor (nature of suit codes 710-791); copyrights, patent and trademark (nature of suit codes 820, 830 and 840); environmental (nature of suit code 893); §2254 petitions filed by persons under sentence of death (nature of suit code 535); Racketeer Influenced and Corrupt Organizations (nature of suit code 470); class actions; complaints requesting replevin; or complaints which are titled as requesting a permanent injunction or are filed with an initial request for a temporary restraining order or preliminary injunction.

(g) Judge DeGuilio will share in a civil caseload equal to 40% of the total number of cases assigned to an active judge, but will only be assigned §2254 petitions (nature of suit codes 535 and 530); social security appeals; and cases filed by pro se prisoners (nature of suit codes 530 and 550).

(h) With respect to cases seeking to bar or mandate state/nationwide enforcement of a state or federal law, including a rule, regulation, policy, or order of the executive branch or a state or federal agency, whether by declaratory judgment and/or any form of injunctive relief, the presider

initially assigned shall direct the Clerk to randomly assign the case on a district-wide basis to a district judge without regard to the courthouse or division in which the case is filed (with assignment to a Magistrate Judge located in the division of the assigned presiding judge), if necessary to comply with the policy adopted by the Committee on Court Administration & Case Management of the Judicial Conference of the United States, as denoted in its memorandum dated March 15, 2024.

SO ORDERED.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2025.

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Holly A. Brady, Chief Judge

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James T. Moody, Judge

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Philip P. Simon, Judge

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Theresa L. Springmann, Judge

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Jon E. DeGuilio, Judge

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Damon R. Leichty, Judge

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Cristal C. Brisco, Judge

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Gretchen S. Lund, Judge