

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

FILED

97 OCT 22 PM 3:35

AMENDMENT TO PART I, SECTION C, "CASE ASSIGNMENT"
OF THE AMENDED PLAN FOR THE DISPOSITION OF *PRO SE* CASES,
WHICH WAS ADOPTED AND FILED OCTOBER 1, 1996.

U.S. DISTRICT COURT
W.D.N.Y. - BUFFALO

Part I, Section C of the Amended Plan for the Disposition of *Pro Se* Cases is hereby amended, effective upon the filing of this Amendment, as follows: Paragraphs 8 through 11 of the existing, Amended Plan are hereby vacated. Those paragraphs, 8 - 11, are replaced and superseded by the following amended paragraphs:

8. If no response is received from one or more of the parties after the initial period has passed, the *Pro Se* Office shall be responsible for making two additional efforts, at 30 day intervals, to obtain the completed consent forms from each such non-responding party by letter and/or telephone call. If the forms for consent are not received within 20 days after that effort has been made, the consent will be deemed to have been withheld.

9. If one or more of the parties fail to return the completed consent forms to the Clerk of Court before a dispositive order is to issue in the matter, such order shall be treated as an initial order and dealt with by the duty judge in the manner set forth below for initial orders.

10. If one or more of the parties refuse or fail to consent to proceed to disposition by the magistrate judge, the case will be randomly assigned to a district judge immediately upon the receipt of a refusal to consent or within 30 days of the third unsuccessful effort to obtain the consent. It will be the responsibility of the *Pro Se* Office to track the consent process and to take the necessary steps to effect the reassignment of a case to a district judge.

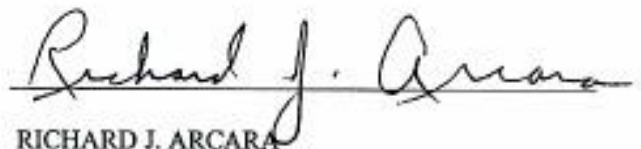
11. (a) In the event that a case, other than a habeas corpus petition, originally directly assigned to a magistrate judge, must be randomly assigned to a district judge by reason of a refusal or a failure to consent, the district judge may, in his discretion, refer any matters concerning the case to the original magistrate judge pursuant to 28 U.S.C. § 636(b).

(b) In the event that a habeas corpus petition, originally directly assigned to a magistrate judge, must be randomly assigned to a district judge by reason of a refusal or failure to consent, the district judge will, absent special circumstances, refer the petition back to the original magistrate judge for a Report and Recommendation for disposition of the petition, pursuant to 28 U.S.C. § 636(b).



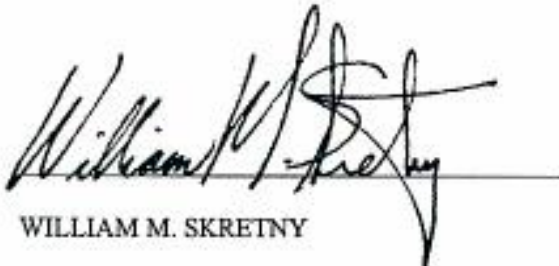
DAVID G. LARIMER

CHIEF UNITED STATES DISTRICT JUDGE



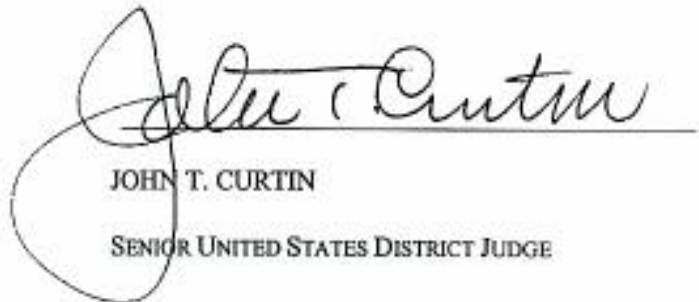
RICHARD J. ARCARA

UNITED STATES DISTRICT JUDGE



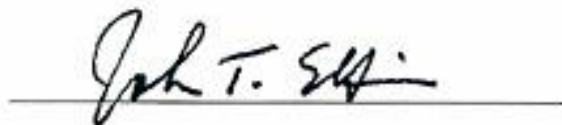
WILLIAM M. SKRETNY

UNITED STATES DISTRICT JUDGE



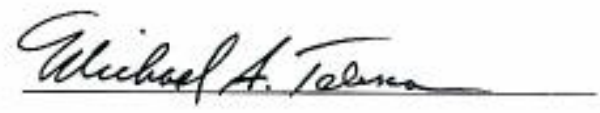
JOHN T. CURTIN

SENIOR UNITED STATES DISTRICT JUDGE



JOHN T. ELFVIN

SENIOR UNITED STATES DISTRICT JUDGE



MICHAEL A. TELESKA

SENIOR UNITED STATES DISTRICT JUDGE