

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
GENERAL ORDER 21-0037**

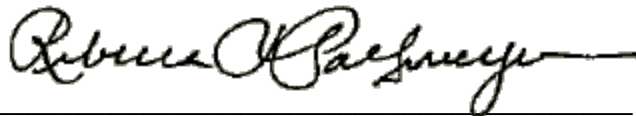
The Court's Rules Committee discussed the proposed amendments to Internal Operating Procedure 11 at its meeting on Friday, September 17, 2021. It recommended that the full Court adopt the amendments to Internal Operating Procedure 11.

The full Court considered the recommendation of the Rules Committee at its meeting on Thursday, September 23, 2021 and adopted the amendments to Internal Operating Procedure 11. Therefore,

IT IS HEREBY ORDERED that Internal Operating Procedure 11: Filing & Assignment of New Cases shall be amended and adopted as attached.

ENTER:

FOR THE COURT

A handwritten signature in black ink, reading "Rebecca R. Pallmeyer", written in a cursive style. The signature is positioned above a horizontal line.

Hon. Rebecca R. Pallmeyer, Chief Judge

Dated at Chicago, Illinois this 29th day of September 2021

## **IOP11. Filing & Assignment of New Cases**

(a) Filing Procedures. The assignment clerk shall file each new case in the following manner:

- (1) Except where the case was accepted for filing by the emergency judge outside of regular business hours and the date and time of filing are already noted, the date and time of filing shall be stamped or written on the cover of the documents initiating the case.
- (2) The appropriate case number shall be stamped on the initiating document.
- (3) The case number and assignment category shall be entered into the computerized assignment system and the case shall be assigned.
- (4) A magistrate judge shall be designated for the case in the manner provided for by section (c).
- (5) Except as provided for in section (f) below, the name of the district judge to whom the case is assigned and, where applicable, the name of the designated magistrate judge shall be stamped on the initiating documents.

Where two or more indictments or informations are presented to the assignment clerk for assignment, the order in which they are to be filed and assigned shall be according to their grand jury numbers, the earliest such number being assigned first. Where indictments returned by two or more grand juries are presented for filing at the same time, the indictments of the older grand jury shall be taken first. If two grand juries were impaneled in the same month, the indictments of the special grand jury shall be taken first.

(b) Assignment of Cases: Eastern Division. The clerk shall maintain an automated assignment system for the assignment and reassignment of cases in the Eastern Division. All cases filed in the Eastern Division shall be by assigned using the automated assignment system.

For the purposes of assigning cases to the calendars of the judges serving in the Eastern Division, the civil and criminal cases shall be divided into the categories indicated:

- (1) Criminal Cases: (A) Criminal I, (B) Criminal II, (C) Criminal III, (D) Criminal IV, and (E) Criminal V; and
- (2) Civil Cases: (A) Civil I, (B) Civil II, (C) Civil III, (D) Civil IV, (E) Civil V, (F) Civil VI, (G) Civil VII, (H) certificates for contempt filed by bankruptcy judges pursuant to Rule 920 of the National Bankruptcy Rules and certificates for contempt filed by magistrate judges.

In addition, those magistrate judge cases involving petty offenses based on the issuance of violation notices wherein defendants did not waive their right to trial before a judge of the district court which are referred to a judge of the district court shall constitute a separate assignment category.

(3) The Executive Committee shall establish the types of cases to be included in Criminal categories I, II, III, IV, and V and in Civil categories I, II, III, IV, V, VI, and VII. A master list of the types of cases included in those categories shall be used by the assignment clerk in the assignment of civil and criminal cases.

The automated assignment system shall provide a separate process for assigning cases in each of the enumerated categories. In each process the name of each judge of this Court, other than the chief judge or any senior judge, shall appear an equal number of times. The sequence of judges' names within each block shall be kept secret. The process shall record for each case assigned the case number, the assignment category, and date and time of the assignment.

(4) A motion for the return of property filed pursuant to FRCrP41(e) after an indictment or information has been filed in a criminal case shall be directly assigned to the district judge before whom the criminal case was last pending. If that judge is no longer sitting, the motion shall be assigned by lot to a district judge.

Whenever it appears that a case has been assigned by lot that should have been assigned directly under the provisions of this section, the judge receiving the case shall transfer it to the Executive Committee for reassignment to the calendar of the judge to whom it should have been assigned directly.

(5) The automated assignment system will at the time of the reassignment of any case introduce any equalization required. The equalization will take the form of an adjustment to the appropriate assignment process that will treat the reassignment as a new assignment to the judge receiving the case and negate the assignment of the case to the judge reassigning it. Unless otherwise ordered by the Executive Committee in the order of reassignment, such equalization will apply in each of the following instances:

(i) to correct an assignment error where a case that should have been assigned directly pursuant to LR40.3 was assigned by lot;

(ii) where a case is reassigned following a result of a recusal with equalization pursuant to IOP13(f); or

(iii) where the order of reassignment directs that the reassignment be with equalization.

The clerk shall periodically report to the Executive Committee on the performance of the automated assignment system. Such report shall include a summary of any

assignments or reassignments for which equalization is required in addition to any automatic equalization authorized by these procedures. Where it determines additional equalization is required, the Executive Committee will enter an appropriate order.

Records of the system shall be preserved for five years except as otherwise ordered by the Executive Committee.

(c) Designation Cycles for Magistrate Judges. There shall be a separate designation cycle for magistrate judges for civil and criminal cases each of the assignment categories specified in IOP11(b), provided that the Executive Committee may direct that two or more of the categories other than Civil I, II, and III, and Criminal I, II, and III be combined into a single designation cycle. Each designation cycle shall consist of the name of each of the magistrate judges assigned to the Eastern Division. Whenever a new case is assigned to a district judge using one of the assignment decks enumerated above, the clerk shall randomly designate a magistrate judge from the designation cycle for that type of case as the magistrate judge in the case. Whenever pursuant to LR40.3(b) or LCrR50.2 a new case is assigned to a district judge directly and not by lot, the magistrate judge designated for the case originally assigned by lot will be designated for the later filed case. The provisions of this section notwithstanding, where an indictment or information arises out of one or more criminal complaints, the designated magistrate judge shall be the magistrate judge to whom the earliest of those complaints was assigned. Where multiple defendants in a single complaint assigned to a magistrate judge are subsequently charged in more than one indictment or information arising out of that complaint, the designated magistrate judge for each such case shall be the magistrate judge to whom the complaint was assigned.

(d) Assignment of Cases: Western Division. ~~Cases in the Western Division shall at filing be both randomly assigned to a district judge and generally referred to a magistrate judge whose duty stations are in that division, provided that a district judge may in any case set aside the initial general reference to a magistrate judge.~~

(1) Civil cases in the Western Division shall at filing be both randomly assigned to a district judge and generally referred to a magistrate judge whose duty stations are in that division, provided that a district judge may in any case set aside the initial general reference to a magistrate judge

(2) All criminal cases shall at filing be randomly assigned to a district judge. The United States Attorney must, at the time of filing, advise the Court in writing whether the Federal Bureau of Investigation ("FBI") took part in the investigation. Based upon the information provided by the United States Attorney, the Clerk of Court will enter a referral of a criminal case involving the FBI only to a magistrate judge who does not have a conflict that would require the magistrate judge's recusal. For any case not involving the FBI, the Clerk will enter a referral to the magistrate judge who is recused from FBI cases.

(e) Duties under the Federal Debt Collection Procedures Act. Pursuant to 28 U.S.C. ' 3008, the Court assigns its duties in proceedings under Chapter 176 of Title 28 of the

United States Code, the Federal Debt Collection Procedures Act, (AFDCPA@) in all civil cases to the United States Magistrate Judges of this Court.

When relief under the FDCPA is sought by the United States, all necessary documents shall be submitted to the designated magistrate. If no magistrate judge has been previously designated, or where the designated magistrate judge is no longer sitting, a magistrate judge shall be designated as provided for by section (c). The designated magistrate shall supervise proceedings, decide all nondispositive matters, and prepare a report and recommendation in all dispositive matters. If the designated magistrate judge enters a report and recommendation on a dispositive motion, the clerk shall assign the case by lot to a district judge if one has not been previously assigned. If the parties consent to the reassignment of the proceedings to a magistrate judge, the clerk shall reassign the case to the designated magistrate judge without the entry of a separate Executive Committee reassignment order.

(f) Assignment of Student Loan and Veteran Education Loan Cases. When a complaint is filed on behalf of the Department of Education or the Veterans= Department alleging a failure to repay a student loan or a failure to repay an educational overpayment, the person filing the complaint shall indicate its nature to the assignment clerk. When a complaint of this type is filed, the assignment clerk shall designate a magistrate judge as provided for by section (c) above and shall assign the case generally to the United States magistrate judges. When necessary, the designated magistrate judge shall supervise pretrial proceedings, which may include the preparation of a report and recommendation for the disposition of any motion for injunctive relief, for judgment on the pleadings, for summary judgment, or to dismiss for any reason.

If the parties consent to the reassignment of the case to a magistrate judge, the clerk shall reassign the case to the designated magistrate judge without the entry of a separate Executive Committee reassignment order. If the magistrate judge enters the pretrial order or issues a report and recommendation on a dispositive motion, the clerk shall assign the case by lot to a district judge.

Where a case requires the involvement of a magistrate judge and no magistrate judge has been previously designated, or where the designated magistrate judge is no longer sitting, a magistrate judge shall be designated as provided for by section (c). (Amended 2/7/02, 6/23/06, 6/04/09, 3/22/19, 3/10/2020, 09/23/2021)

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