

3/25/2021

Clerk, U.S. District Court
District of Montana
Missoula Division

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA

In re: Assignment of Cases

STANDING ORDER No. BMM-11

IT IS HEREBY ORDERED that Standing Order BMM-4, which has governed case assignments in the District of Montana, is withdrawn, and this Standing Order shall govern all case assignments for all matters filed in the divisions of this district:

1) Assignment of Cases Relating to Certain Voting, Electoral, and Constitutional Matters: Regardless of the division of filing, any civil case involving reapportionment, voting rights, campaign finance or disclosure laws, or otherwise relating to elections is to be assigned by random draw from among the following judicial officers: Chief District Judge Brian Morris, District Judge Dana L. Christensen, District Judge Susan P. Watters, and Senior District Judge Donald W. Molloy.

2) Assignment of cases to United States Magistrate Judges:

This Standing Order Supersedes Rule 72.2(a)(1) of the Local Rules of

Procedure for the District of Montana (eff. December 1, 2019) to the extent that Rule 72.2(a)(1) requires that certain categories of cases¹ be automatically referred to a United States magistrate judge upon filing.² Any action of the types listed under Local Rule 72.2(a)(1) shall be randomly assigned in accordance with Paragraphs 3 through 7 below. The Local Rules Committee is directed to prepare amendments to Local Rule 72.2 and to consider other appropriate conforming amendments for inclusion in the next Local Rules revision cycle.

Unless the parties consent to the jurisdiction of a magistrate judge pursuant to 28 U.S.C. § 636(c), in any instance in which a United States magistrate judge is assigned a case under any paragraph of this Standing Order, the following district judges shall preside: District Judge Susan P. Watters shall be the presiding district judge for cases venued in the Billings Division, Chief District Judge Brian Morris shall be the presiding district judge for cases venued in the Great Falls, Butte, or Helena Divisions, and District Judge Dana L. Christensen shall be the presiding district judge for cases venued in the Missoula Division.

¹ Cases that heretofore have been automatically referred to magistrate judges under Local Rule 72.2(a)(1) include prisoner civil rights actions, habeas corpus actions, social security actions, cases in which one or more plaintiffs are self-represented, and cases in which leave to proceed in forma pauperis is sought.

² Local Rule 72.2(a) remains in effect to the extent that it directs the following categories of cases to be assigned to a United States district judge: motions under 28 U.S.C. § 2255; actions for writs filed by federal prisoners; cases originating in the bankruptcy court; and cases governed by Appendix A of the Local Rules.

3) Billings Division: Excepting those cases described in Paragraph 1, civil cases filed in the Billings Division shall be assigned to District Judge Susan P. Watters, Magistrate Judge Timothy J. Cavan, and Magistrate Judge Kathleen L. DeSoto in accordance with the Local Rules of Procedure. The random assignment of such cases, except as otherwise provided by statute, shall be done such that one quarter (1/4) of the civil cases filed shall be assigned to Judge Watters, five eighths (5/8) to Judge Cavan, and one eighth (1/8) to Judge DeSoto.

Criminal cases filed in the Billings Division shall be assigned to District Judge Susan P. Watters and District Judge Dana L. Christensen on a random basis, such that four fifths (4/5) of the criminal cases filed shall be assigned to Judge Watters and one fifth (1/5) to Judge Christensen.

4) Butte Division: Excepting those cases described in Paragraph 1, civil cases filed in the Butte Division shall be assigned to Chief District Judge Brian Morris and Magistrate Judge John T. Johnston in accordance with the Local Rules of Procedure. The random assignment of such cases, except as otherwise provided by statute, shall be done such that one half (1/2) of the civil cases filed shall be assigned to Chief Judge Morris and one half (1/2) to Judge Johnston.

Criminal cases filed in the Butte Division shall be assigned to District Judge Dana L. Christensen.

5) Great Falls Division: Excepting those cases described in Paragraph 1, civil cases filed in the Great Falls Division shall be assigned to Chief District Judge Brian Morris and Magistrate Judge John T. Johnston in accordance with the Local Rules of Procedure. The random assignment of such cases, except as otherwise provided by statute, shall be done such that two fifths ($2/5$) of the civil cases filed shall be assigned to Chief Judge Morris and three fifths ($3/5$) to Judge Johnston.

Criminal cases filed in the Great Falls Division shall be assigned to Chief District Judge Brian Morris.

6) Helena Division: Excepting those cases described in Paragraph 1, civil cases filed in the Helena Division shall be assigned to Senior District Judge Sam E. Haddon, Magistrate Judge Kathleen L. DeSoto, and Magistrate Judge John T. Johnston in accordance with the Local Rules of Procedure. The random assignment of such cases, except as otherwise provided by statute, shall be done such that one half ($1/2$) of the civil cases filed shall be assigned to Judge Haddon, one quarter ($1/4$) to Judge DeSoto, and one quarter ($1/4$) to Judge Johnston.

Criminal cases filed in the Helena Division shall be assigned to Chief District Judge Brian Morris.

7) Missoula Division: Excepting those cases described in Paragraph 1,

civil cases filed in the Missoula Division shall be assigned to District Judge Dana L. Christensen, Senior District Judge Donald W. Molloy, and Magistrate Judge Kathleen L. DeSoto in accordance with the Local Rules of Procedure. The random assignment of such cases, except as otherwise provided by statute, shall be done such that three tenths (3/10) of the civil cases filed shall be assigned to Judge Christensen, three tenths (3/10) to Judge Molloy, and two fifths (2/5) to Judge DeSoto.

Criminal cases filed in the Missoula Division shall be assigned to District Judge Dana L. Christensen and Senior District Judge Donald W. Molloy on a random basis, such that one half (1/2) of the criminal cases filed shall be assigned to Judge Christensen and one half (1/2) to Judge Molloy.

The clerk shall immediately inform all divisional offices, the judicial officers of this district, and the United States Probation Office of the entry of this Standing Order.

DATED this 25th day of March, 2021.



Brian Morris, Chief Judge
United States District Court