U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
OCT - 1 1998
NANCY DOHERTY, CLERK
By Y. Kelley
Deputy

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

MISCELLANEOUS ORDER NO. 6

It is ORDERED that commencing October 1, 1998, the clerk of court shall include United States Magistrate Judge Charles Bleil in the automated civil case assignment system in the same manner as Fort Worth Division district judges, except no case in which a temporary restraining order or other preliminary injunctive relief is sought, bankruptcy matter (including a motion to withdraw reference), or case required by the Constitution or laws of the United States to be assigned to an Article III district judge shall be assigned to Judge Bleil. The chief judge will, from time to time, provide the proportion of civil cases to be assigned to Magistrate Judge Bleil in Special Order No. 3.

When Magistrate Judge Bleil is initially assigned to a case, he is to provide consent forms to the parties in the case to be executed and returned to the district clerk within twenty days. Although consent to a magistrate judge is voluntary, return of the executed form within twenty days of appearance is mandatory. A party does not waive jurisdictional or other defenses by filing the consent form. A party's refusal to consent to Magistrate Judge Bleil will not be docketed on the public docket or made part of the regular case file folder.

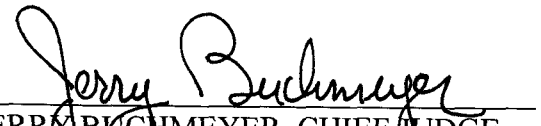
In each case assigned to Magistrate Judge Bleil, it is ORDERED that Judge Bleil shall conduct all further proceedings, including a jury or bench trial, and order the entry of a final judgment in accordance with 28 U.S.C. §636(c). If all parties do not consent to Magistrate Judge Bleil, the case will remain with Judge Bleil until the clerk is directed to randomly select a district judge and reassign the case. After reassignment to a district judge, Magistrate Judge Bleil shall, unless the district judge otherwise orders, exercise all powers permitted by 28 U.S.C. §636(b).

Nothing in this Order shall be construed as an attempt to deprive or abridge a party's constitutional right to an Article III district judge.

SO ORDERED.

October 1, 1998

FOR THE COURT:



JERRY BUCHMEYER, CHIEF JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS