

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

PILOT PROGRAM TO LOCATE A FULL-TIME MAGISTRATE JUDGE IN THE PUEBLO JURY DIVISION (JD4)

The Court adopts the Pilot Program (the “Pilot Program”) stated herein, which directs the location of a full-time magistrate judge in the Pueblo jury division (JD4) beginning on or after January 1, 2018.

- Beginning on or after January 1, 2018, Magistrate Judge Kathleen M. Tafoya will relocate full-time to the Court’s Colorado Springs facility located at 212 N. Wahsatch Avenue, Colorado Springs, CO 80903. Upon relocation, Magistrate Judge Tafoya will conduct most assigned proceedings out of the Colorado Springs facility.
- Magistrate Judge Tafoya will be removed from the Denver-based criminal duty rotation; however, she will be assigned to handle the entire Colorado Springs-based petty offense criminal docket.
- Pursuant to the Court’s Revised Jury Plan for Random Jury Selection implemented on March 1, 2017, the District of Colorado is divided into four jury divisions: Jury Division One (Denver-JD1); Jury Division Two (Durango-JD2); Jury Division Three (Grand Junction-JD3); and Jury Division Four (Pueblo-JD4).
- Upon case opening, all civil cases, (excluding bankruptcy appeals and 2255’s), will have a case flag set to indicate the jury division in which the case or controversy arises. For example, a case arising in El Paso County, a county located in Jury Division Four (Pueblo-JD4), will have a “JD4” case flag set. The Clerk’s Office uses the following criteria to determine which jury division flag to set:
 - a. Use the county of residence of the first named plaintiff in the complaint, or identified on the civil cover sheet (JS 44), that resides in Colorado;
 - b. Where none of the plaintiffs reside in Colorado, or the plaintiff/claimant is a corporate or other organization filing from outside the district, assign the jury division as identified by the county of residence of the first listed defendant that resides in Colorado;
 - c. If the plaintiff is the United States, the county of residence of the first named defendant will be used to determine the jury division;
 - d. Where the case is a notice of removal, assign the jury division corresponding to the county from which the case was removed;

- e. In land condemnation cases, use the county of location of the tract of land involved;
 - f. If there is any doubt in determining the correct jury division, the JD1 (Denver) flag is set.
- All prisoner cases, regardless of the jury division in which the case arises, will be randomly assigned to either a district judge or, pursuant to D.C.COLO.LCivR 40.1(c), directly assigned to a magistrate judge.
 - All other JD4 cases will be randomly assigned to either a district judge or, when eligible pursuant to D.C.COLO.LCivR 40.1(c), directly assigned to Magistrate Judge Tafoya. Magistrate Judge Tafoya, in the referral role, will also be assigned to a majority of the JD4 cases assigned to a district judge.
 - All other JD1, JD2, and JD3 cases will be randomly assigned to either a district judge or, when eligible pursuant to D.C.COLO.LCivR 40.1(c), directly assigned to a Denver-based magistrate judge. Only Denver-based magistrate judges will be assigned to these cases in the referral role.
 - To the extent necessary, cases may be specially assigned, reassigned, or transferred under D.C.COLO.LCivR 40.1(a) to the magistrate judge sitting in Colorado Springs or to part-time magistrate judges sitting in Durango and Grand Junction.
 - Under D.C.COLO.LCivR 1.1(h), this Pilot Program shall not exceed 18 months, but may be extended for one six-month period in conjunction with the promulgation of any corresponding local rule.

Comments:

It is the policy of the United States District Court for the District of Colorado to provide judicial services to all of the people of Colorado. This Pilot Program is intended and designed to further this policy by providing increased judicial services to those that reside in southeast Colorado.

Affected Local Rules:

D.C.COLO.LCivR 40.1 (Assignment of Cases). There are no Local Rules change recommendations anticipated as a result of this Pilot Program.

A Notice and Comment Period of thirty days will commence from the date the Public Notice is given. The remaining provisions of this Pilot Program will take effect on final Court adoption of the Plan after consideration of public comments received during the comment period.

APPROVED BY THE COURT in Denver, Colorado this 9th day of August, 2017.

ADOPTED BY THE COURT in Denver, Colorado this 13th day of September, 2017.