

FILED

AUG 16 2004

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINALARRY W. PROPPS, CLERK
CHARLESTON, SC

ENTERED

8/16/04

Jose Padilla,

) C/A No. 2:04-2221-26AJ

Petitioner,

vs.

ORDER

Commander C. T. Hanft, USN Commander,
Consolidated Naval Brig,

Respondent.


Counsel for the petitioner have filed a motion to vacate referral to a magistrate judge (Document No. 16). Pages 1 through 4 of the motion to vacate referral to a magistrate judge deal with the referral to the magistrate judge. Pages 5 through 6 concern the request to expedite proceedings. Counsel for the petitioner have also filed a motion to expedite proceedings (Document No. 17) in the event that the District Court does not grant the motion to vacate the referral.

United States Magistrate Judges in the District of South Carolina routinely handled prisoner litigation and habeas corpus cases. The General Order filed on May 1, 1979, which was superannuated by the Local Civil Rules, codified prior practice in this District. Until 1994, magistrate judges in the District of South Carolina also received an automatic reference in cases submitted under 28 U.S.C. § 2255. The magistrate judges of this district are experienced in handling habeas corpus cases, including death penalty cases. Moreover, the custodian of the petitioner, the petitioner, and the assigned magistrate judge are in the Charleston Division. 28 U.S.C. § 121(1).

Accordingly, the petitioner's motion to vacate referral to a magistrate judge (Document No. 16) is **denied**. The motion to expedite proceedings (Document No. 17), which was protectively filed in the event that the motion to vacate referral to a magistrate judge was denied, may be ruled on by the magistrate judge.

IT IS SO ORDERED.

8-9-04
(Date)
Spartanburg, South Carolina



Henry F. Floyd
United States District Judge

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