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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

Thomas A. Callan,   )   No. CV-06-1024-PHX-LOA
)
            Plaintiff,   )   **NOTICE OF ASSIGNMENT**
)   **AND ORDER**
vs.   )
)
Commissioner of the Internal Revenue)
Service, The Department of Treasury, The)
Disclosure Office U. S. Tax Court,   )
)
            Defendants.   )
_____)

Pursuant to General Order No. 98-62 of the United States District Court, District of Arizona and Local Rule 3.8(a), LRCiv, Rules of Practice, effective December 1, 2005, all civil cases are, and will be, randomly assigned to a U.S. district judge or to a U.S. magistrate judge. This matter has been assigned to the undersigned U.S. Magistrate Judge.

As a result of the aforesaid Order and Rule, if all parties consent in writing, the case will remain with the assigned Magistrate Judge pursuant to 28 U.S.C. 636(c)(1) for all purposes, including trial and final entry of judgment. If any party chooses the district judge option, the case will be randomly reassigned to a U.S. district judge. To either consent to the assigned magistrate judge or to elect to have the case heard before a district judge, the appropriate section of the form, entitled Consent To Exercise Of Jurisdiction By United States Magistrate Judge[1], must be completed, signed and filed. The party filing the case or

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[1]The consent/election form may be obtained directly from the Clerk of the Court or by accessing the District of Arizona's web site at www.azd.uscourts.gov. To find the consent/election form on the District's web site, click on "Local Rules" at the top of the page,

1 removing it to this Court is responsible for serving all parties with the consent forms. Each

2 party must file a completed consent form and certificate of service with the Clerk of the

3 Court not later than 20 days after entry of appearance, and must serve a copy by mail or hand

4 delivery upon all parties of record in the case.

5   Any party is free to withhold consent to magistrate judge jurisdiction without adverse

6 consequences. 28 U.S.C. 636(c)(2); Rule 73(b), Fed.R.Civ.P.; <u>Anderson v. Woodcreek</u>

7 <u>Venture Ltd.</u>, 351 F.3d 911, 913-14 (9th Cir. 2003) (pointing out that consent is the

8 "touchstone of magistrate [judge] jurisdiction" under 28 U.S.C. §636(c).

9   A review of the Court's file indicates that Plaintiff's Complaint was filed on April 12,

10 2006.   Plaintiff shall have until **May 4, 2006** within which to make his selection to either

11 consent to magistrate judge jurisdiction or elect to proceed before a United States district

12 judge.

13   **IT IS ORDERED directing the Clerk of the Court** to mail to Plaintiff the Consent

14 to Exercise of Jurisdiction by United States Magistrate Judge/District Judge Option form and

15 Instruction forthwith.

16   **IT IS ORDERED** that Plaintiff shall file on or before **May 4, 2006** his written

17 election to either consent to magistrate judge jurisdiction or elect to proceed before a United

18 States district judge.

19   **IT IS FURTHER ORDERED** that Plaintiff shall serve upon the Defendants the

20 appropriate consent form provided by the Clerk of this Court per the above directive at the

21 time of service of his Complaint upon the Defendants.

22   **IT IS FURTHER ORDERED** that Defendants, and each of them, shall either

23 consent to magistrate judge jurisdiction or elect to proceed before a district judge within

24 twenty (20) days of each Defendant's formal appearance herein.

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28 then click on"Forms" on the left side of the page and then click on and print the appropriate
    form.

1   **IT IS FURTHER ORDERED** that counsel and any party, if unrepresented, shall

2   hereinafter comply with the Rules of Practice for the United States District Court for

3   the District of Arizona, as amended on December 1, 2005.   The District's Rules of Practice

4   may be found on the District Court's internet web page at www.azd.uscourts.gov/.

5   All other rules may be found as www.uscourts.gov/rules/. The fact that a party is acting pro

6   se does not discharge this party's duties to "abide by the rules of the court in which he

7   litigates." Carter v. Commissioner of Internal Revenue, 784 F.2d 1006, 1008 (9th Cir. 1986).

8   DATED this 14th day of April, 2006.

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10   _____

11   Lawrence O. Anderson
       United States Magistrate Judge

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