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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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Jose Guillen-Villegas,

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No. CV-06-1491-PHX-LOA

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Petitioner,

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**NOTICE OF ASSIGNMENT
AND ORDER**

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vs.

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Alberto R. Gonzales, Attorney General

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Respondent.

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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.

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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 Judge¹, must be completed, signed and filed. The party filing the case or

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¹The 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, then click on “forms” on the left side of the page and then click on and print the appropriate

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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.; Anderson v. Woodcreek
7 Venture Ltd., 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 on June 8, 2006, the Ninth Circuit ordered
10 this Petition for Review be transferred to the United States District Court for the District of
11 Arizona for a determination on petitioner's nationality claim

12 The Petitioner and Respondent shall each have until July 10, 2006, within which to
13 make their selection to either consent to magistrate judge jurisdiction or elect to proceed
14 before a U. S. district judge. The docket reflects that the appropriate consent form was
15 electronically mailed to counsel for Petitioner and mailed to counsel for Respondent on June
16 13, 2006 (Dkt. #14).

17 Accordingly,

18 **IT IS ORDERED** that the Petitioner and Respondent shall each file on or before **July**
19 **10, 2006** their written elections to either consent to magistrate judge jurisdiction or elect to
20 proceed before a United States district judge.

21 **IT IS FURTHER ORDERED** that counsel and any party, if unrepresented, shall
22 hereinafter comply with the Rules of Practice for the United States District Court for
23 the District of Arizona, as amended on December 1, 2005. The District's Rules of Practice
24 may be found on the District Court's internet web page at www.azd.uscourts.gov/.

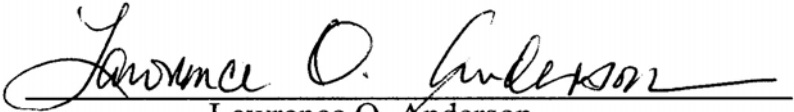
25 All other rules may be found as www.uscourts.gov/rules/. The fact that a party is acting pro
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28 form.

1 se does not discharge this party's duties to "abide by the rules of the court in which he
2 litigates." Carter v. Commissioner of Internal Revenue, 784 F.2d 1006, 1008 (9th Cir. 1986).

3 DATED this 15th day of June, 2006.

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5 Lawrence O. Anderson
6 United States Magistrate Judge

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