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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

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Calvin Jones,

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No. CV-06-2547-PHX-LOA

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Plaintiff,

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**NOTICE OF ASSIGNMENT  
AND ORDER**

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vs.

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Aetna Life Insurance Company,

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Defendant.

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Pursuant to 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 Local Rule and assignment, 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<sup>1</sup>, must be completed, signed and filed. The party filing the case or removing it to this Court is responsible for serving all parties with the

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<sup>1</sup>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](http://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 form.

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1 consent forms. Each party must file a completed consent form and certificate of service with  
2 the Clerk of the Court not later than 20 days after entry of appearance, and must serve a copy  
3 by mail or hand delivery upon all parties of record in the case.

4 Any party is free to withhold consent to magistrate judge jurisdiction without  
5 adverse consequences. 28 U.S.C. 636(c)(2); Rule 73(b), Fed.R.Civ.P.; Anderson v.  
6 Woodcreek Venture Ltd., 351 F.3d 911, 913-14 (9<sup>th</sup> Cir. 2003) (pointing out that consent is  
7 the "touchstone of magistrate [judge] jurisdiction" under 28 U.S.C. §636(c).

8 A review of the Court's file indicates that Plaintiff's Complaint was filed on  
9 October 25, 2006. Plaintiff shall have until November 15, 2006, within which to make his  
10 selection to either consent to magistrate judge jurisdiction or elect to proceed before a United  
11 States district judge. It is unknown if a copy of the appropriate consent form electronically  
12 transmitted to Plaintiff's counsel on October 25, 2006 by the Clerk's office was served with  
13 the Complaint per the written instructions from the Clerk.

14 Accordingly,

15 **IT IS ORDERED** that Plaintiff shall file on or before **November 15, 2006** his  
16 written election to either consent to magistrate judge jurisdiction or elect to proceed before  
17 a United States district judge.

18 **IT IS FURTHER ORDERED** that Plaintiff shall serve upon the Defendant  
19 the appropriate consent form electronically transmitted to Plaintiff's counsel at the time of  
20 the filing of his Complaint at the time of service of his Complaint upon the Defendant.

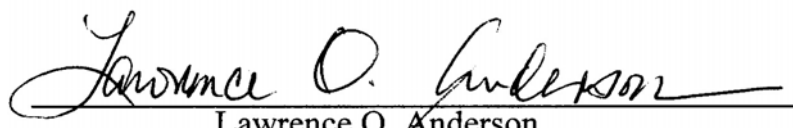
21 **IT IS FURTHER ORDERED** that Defendant shall either consent to  
22 magistrate judge jurisdiction or elect to proceed before a district judge within twenty (20)  
23 days of Defendant's formal appearance herein.

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

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1 All other rules may be found as [www.uscourts.gov/rules/](http://www.uscourts.gov/rules/). The fact that a party is acting pro  
2 se does not discharge this party's duties to "abide by the rules of the court in which he  
3 litigates." Carter v. Commissioner of Internal Revenue, 784 F.2d 1006, 1008 (9<sup>th</sup> Cir. 1986).

4 DATED this 30<sup>th</sup> day of October, 2006.

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6 Lawrence O. Anderson  
7 United States Magistrate Judge

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