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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

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Wayne Lawson,

No. CV-07-1332-PHX-LOA

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Plaintiff,

**NOTICE OF ASSIGNMENT  
AND ORDER**

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vs.

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Riolo Transportation, Inc., a California  
corporation,

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Defendant.

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Pursuant to Local Rule ("LRCiv") 3.8(a), Rules of Practice, effective December 1, 2006, 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 Local 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<sup>1</sup>, must be completed, signed and filed.

<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

1 The party filing the case or removing it to this Court is responsible for serving all parties  
2 with the consent forms. Each party must file a completed consent form and certificate of  
3 service with the Clerk of the Court not later than 20 days after entry of appearance, and  
4 must serve a copy by mail or hand delivery upon all parties of record in the case.

5 Any party is free to withhold consent to magistrate judge jurisdiction  
6 without adverse consequences. 28 U.S.C. 636(c)(2); Rule 73(b), Fed.R.Civ.P.; *Anderson*  
7 *v. Woodcreek Venture Ltd.*, 351 F.3d 911, 913-14 (9<sup>th</sup> Cir. 2003) (pointing out that  
8 consent is the "touchstone of magistrate judge jurisdiction" under 28 U.S.C. §636(c). "A  
9 party to a federal civil case has, subject to some exceptions, a constitutional right to  
10 proceed before an Article III judge." *Dixon v. Ylst*, 990 F.2d 478, 479 (9<sup>th</sup> Cir. 1993)  
11 (citing *Pacemaker Diagnostic Clinic of Am. Inc. v. Instromedix, Inc.*, 725 F.2d 537, 541  
12 (9<sup>th</sup> Cir. 1984) (*en banc*)).

13 A review of the Court's file indicates that Defendant Riolo Transportation,  
14 Inc., has filed a Notice of Removal on July 10, 2007.

15 Defendant Riolo Transportation, Inc., shall have until July 31, 2007, within  
16 which to make its selection to either consent to magistrate judge jurisdiction or elect to  
17 proceed before a U. S. district judge. It is unknown if a copy of the appropriate consent  
18 form which shall be electronically transmitted to Defendant's counsel upon the Clerk's  
19 receipt of this Order shall be served with the Notice of Removal per the written  
20 instructions from the Clerk.

21 Accordingly,

22 **IT IS ORDERED** that the Defendant Riolo Transportation, Inc., shall file  
23 on or before **July 31, 2007** its written election to either consent to magistrate judge  
24 jurisdiction or elect to proceed before a United States district judge.

25 **IT IS FURTHER ORDERED** that if Defendant Riolo Transportation, Inc.,  
26 shall serve upon the Plaintiff the appropriate consent form electronically transmitted to

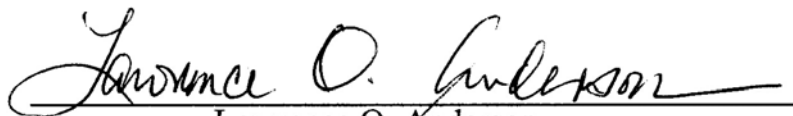
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28 form.

1 Defendant's counsel by the Clerk's office at the time of service of its Notice of Removal  
2 upon Plaintiff.

3 **IT IS FURTHER ORDERED** that Plaintiff shall either consent to proceed  
4 before a magistrate judge or elect to proceed before a district judge by **July 31, 2007**.

5 **IT IS FURTHER ORDERED** that counsel and any party, if  
6 unrepresented, shall hereinafter comply with the Rules of Practice for the United States  
7 District Court for the District of Arizona, as amended on December 1, 2006. The  
8 District's Rules of Practice may be found on the District Court's internet web page at  
9 [www.azd.uscourts.gov/](http://www.azd.uscourts.gov/). All other rules may be found as [www.uscourts.gov/rules/](http://www.uscourts.gov/rules/). The  
10 fact that a party is acting pro se does not discharge this party's duties to "abide by the  
11 rules of the court in which he litigates." *Carter v. Commissioner of Internal Revenue*, 784  
12 F.2d 1006, 1008 (9<sup>th</sup> Cir. 1986).

13 DATED this 12<sup>th</sup> day of July, 2007.

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16 Lawrence O. Anderson  
17 United States Magistrate Judge  
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