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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

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Leandra Adams,

No. CV-07-1333-PHX-LOA

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Plaintiff,

**NOTICE OF ASSIGNMENT  
AND ORDER**

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vs.

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Cavalry Portfolio Services,

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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.

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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

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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

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

6 Any party is free to withhold consent to magistrate judge jurisdiction without  
7 adverse consequences. 28 U.S.C. 636(c)(2); Rule 73(b), Fed.R.Civ.P.; *Anderson v.*  
8 *Woodcreek Venture Ltd.*, 351 F.3d 911, 913-14 (9<sup>th</sup> Cir. 2003) (pointing out that consent  
9 is the "touchstone of magistrate judge jurisdiction" under 28 U.S.C. §636(c). "A party to  
10 a federal civil case has, subject to some exceptions, a constitutional right to proceed  
11 before an Article III judge." *Dixon v. Ylst*, 990 F.2d 478, 479 (9<sup>th</sup> Cir. 1993) (citing  
12 *Pacemaker Diagnostic Clinic of Am. Inc. v. Instromedix, Inc.*, 725 F.2d 537, 541 (9<sup>th</sup> Cir.  
13 1984) (*en banc*)).

14 A review of the Court's file indicates that Plaintiff's Complaint was filed on  
15 July 10, 2007. Plaintiff shall have until July 31, 2007 within which to make her  
16 selection to either consent to magistrate judge jurisdiction or elect to proceed before a  
17 United States district judge. It is unknown if a copy of the appropriate consent form  
18 electronically transmitted to Plaintiff's counsel on July 11, 2007 by the Clerk's office was  
19 served with the Complaint per the written instructions from the Clerk.

20 Accordingly,

21 **IT IS ORDERED** that Plaintiff shall file on or before **July 31, 2007** her written  
22 election to either consent to magistrate judge jurisdiction or elect to proceed before a  
23 United States district judge.

24 **IT IS FURTHER ORDERED** that Plaintiff shall serve upon the Defendant the  
25 appropriate consent form provided at the time of the filing of her Complaint at the time  
26 of service of her Complaint upon the Defendant.

27 \_\_\_\_\_  
28 form.

