1 **WO**

2

3

4

5   IN THE UNITED STATES DISTRICT COURT

6   FOR THE DISTRICT OF ARIZONA

7

8 Deborah Van Zaun,   )   No. CV-07-1495-PHX-LOA
)
9   Plaintiff,   )   **NOTICE OF ASSIGNMENT**
)   **AND ORDER**
10 vs.   )
)
11 John E. Potter, Postmaster General,   )
)
12   Defendant.   )
)
13 _____)

14   Pursuant to Local Rule ("LRCiv") 3.8(a), Rules of Practice, effective

15 December 1, 2006, all civil cases are, and will be, randomly assigned to a U.S. district

16 judge or to a U.S. magistrate judge. This matter has been assigned to the undersigned U.S.

17 Magistrate Judge.

18   As a result of the aforesaid Local Rule and assignment, if all parties consent in

19 writing, the case will remain with the assigned Magistrate Judge pursuant to 28 U.S.C.

20 636(c)(1) for all purposes, including trial and final entry of judgment. If any party

21 chooses the district judge option, the case will be randomly reassigned to a U.S. district

22 judge. To either consent to the assigned magistrate judge or to elect to have the case

23 heard before a district judge, the appropriate section of the form, entitled Consent To

24 Exercise Of Jurisdiction By United States Magistrate Judge[1], must be completed, signed

25

26   [1]The consent/election form may be obtained directly from the Clerk of the Court or
27 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,
28 then click on"Forms" on the left side of the page and then click on and print the appropriate

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 (9th 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 (9th Cir. 1993) (citing

12 *Pacemaker Diagnostic Clinic of Am. Inc. v. Instromedix, Inc.*, 725 F.2d 537, 541 (9th Cir.

13 1984) (*en banc*)).

14 A review of the Court's file indicates that Plaintiff's Complaint was filed on

15 August 3, 2007. Plaintiff shall have until August 24, 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 February 27, 2007 by the Clerk's office

19 was served with the Complaint per the written instructions from the Clerk.

20 Accordingly,

21 **IT IS ORDERED** the Clerk's office shall electronically transmit the

22 appropriate consent form to Plaintiff's counsel forthwith.

23 **IT IS ORDERED** that Plaintiff shall file on or before **August 24, 2007** her

24 written election to either consent to magistrate judge jurisdiction or elect to proceed

25 before a United States district judge.

26

27 _____

28 form.

- 2 -

1   **IT IS FURTHER ORDERED** that Plaintiff shall serve upon the Defendant the

2   appropriate consent form, provided by the Clerk's office, at the time of service of her

3   Complaint upon the Defendant.

4   **IT IS FURTHER ORDERED** that Defendant shall either consent to

5   magistrate judge jurisdiction or elect to proceed before a district judge within twenty (20)

6   days of Defendant's formal appearance herein.

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

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

9   the District of Arizona, as amended on December 1, 2006.   The District's Rules of

10   Practice may be found on the District Court's internet web page at

11   www.azd.uscourts.gov/. All other rules may be found as www.uscourts.gov/rules/. The

12   fact that a party is acting pro se does not discharge this party's duties to "abide by the

13   rules of the court in which he litigates." *Carter v. Commissioner of Internal Revenue*, 784

14   F.2d 1006, 1008 (9th Cir. 1986).

15   DATED this 6th day of August, 2007.

16

17   _____
     Lawrence O. Anderson
18   United States Magistrate Judge

19

20

21

22

23

24

25

26

27

28

- 3 -