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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA

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9 Liaosheng Zhang,

10 Plaintiff,

11 vs.

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13 Honeywell International Inc., a Delaware  
corporation,

14 Defendant.

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No. CV-07-1790-PHX-LOA

**ORDER**

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17 Pursuant to Local Rule (“LRCiv”) 3.8(a), Rules of Practice, effective December  
18 1, 2006, civil cases are, and will be, randomly assigned to a United States district judge or  
19 to a United States magistrate judge. This matter has been assigned to the undersigned United  
States Magistrate Judge.

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21 As a result of the aforesaid Local Rule and assignment, if all parties consent  
22 in writing, the case will remain with the assigned Magistrate Judge pursuant to Title 28  
23 U.S.C. 636(c)(1) for all purposes, including trial and final entry of judgment. If any party  
24 chooses the district judge option, the case will be randomly reassigned to a U.S. district  
25 judge. To either consent to the assigned Magistrate Judge or to elect to have the case heard  
26 before a district judge, the appropriate section of the form, entitled Consent To Exercise Of

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1 Jurisdiction By United States Magistrate Judge,<sup>1</sup> must be completed, signed and filed. The  
2 party filing the case or removing it to this District Court is responsible for serving all parties  
3 with the consent forms. Each party must file a completed consent form and certificate of  
4 service with the Clerk of the Court no later than 20 days after entry of appearance or as  
5 otherwise directed by the Court, and shall serve a copy upon all other parties of record in the  
6 case.

7 Any party is free to withhold consent to magistrate judge jurisdiction without  
8 adverse consequences. Title 28 U.S.C. 636(c)(2); Rule 73(b), Fed.R.Civ.P.; *Anderson v.*  
9 *Woodcreek Venture Ltd.*, 351 F.3d 911, 914 (9<sup>th</sup> Cir. 2003) (pointing out that consent is the  
10 “touchstone of magistrate judge jurisdiction” under Title 28 U.S.C. §636(c)). “A party to a  
11 federal civil case has, subject to some exceptions, a constitutional right to proceed before an  
12 Article III judge.” *Dixon v. Ylst*, 990 F.2d 478, 479 (9th Cir. 1993) (citing *Pacemaker*  
13 *Diagnostic Clinic of Am., Inc. v. Instromedix, Inc.*, 725 F.2d 537, 541 (9th Cir. 1984) (*en*  
14 *banc*)).

15 A review of the District Court’s docket reflects that the Complaint was filed  
16 on September 19, 2007 and reassigned to the undersigned on September 20, 2007. Plaintiff  
17 shall have until and including **Monday, October 8, 2007** within which to make his selection  
18 to either voluntarily consent to magistrate judge jurisdiction or elect to have the case assigned  
19 to a United States district judge.

20 Accordingly,

21 **IT IS ORDERED** that Plaintiff shall file a written election to either  
22 consent to magistrate judge jurisdiction or election to proceed before a United States district  
23 judge on or before **Monday, October 8, 2007**.

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25 <sup>1</sup>The consent/election form was electronically provided to Plaintiff by the Clerk on  
26 September 20, 2007. One may also find the consent/election form on the District’s web site,  
27 click on “Local Rules” at the top of the page, then click on “Forms” on the left side of the  
28 page and then click on and print the appropriate form. Consent/election forms are not to be  
e-filed. Consent/election forms are to be filed in paper form with the Clerk's Office. ECF  
Policies and Procedure Manual, II, ¶ M at p.19.

