

1 **WO**

2

3

4

5

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

6

7

8

Ted King, pro se,

No. CV-07-2031-PHX-LOA

9

Plaintiff,

**NOTICE OF ASSIGNMENT  
AND ORDER**

10

vs.

11

Earnhardt's Gilbert Dodge, Inc., and  
DaimlerChrysler Services Americas, LLC,

12

Defendants.

13

14

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.

18

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  
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

25

26

27

28

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

14 A review of the Court's file indicates that Plaintiff's Complaint was filed  
15 on October 19, 2007. Plaintiff shall have until November 9, 2007 within which to make  
16 his 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 mailed to Plaintiff on October 22, 2007 by the Clerk's office was served with the  
19 Complaint per the written instructions from the Clerk.

20 Accordingly,

21 **IT IS ORDERED** that Plaintiff shall file on or before **November 9,**  
22 **2007** his written election to either consent to magistrate judge jurisdiction or elect to  
23 proceed before a United States district judge.

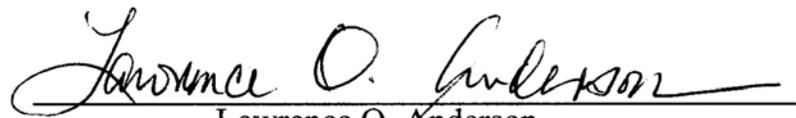
24 **IT IS FURTHER ORDERED** that Plaintiff shall serve upon the  
25 Defendants the appropriate consent form provided at the time of the filing of his  
26 Complaint at the time of service of his Complaint upon the Defendants.

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

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

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

12                   DATED this 25<sup>th</sup> day of October, 2007.

13  
14                     
15                   Lawrence O. Anderson  
16                   United States Magistrate Judge