

1 **WO**

2

3

4

5

IN THE UNITED STATES DISTRICT COURT

6

FOR THE DISTRICT OF ARIZONA

7

8

Tigerdirect, Inc., a Florida corporation,)

No. CV-07-2249-PHX-LOA

9

Plaintiff,)

NOTICE OF ASSIGNMENT

10

vs.)

AND ORDER

11

Tigerdirectsucks.org, a domain name,)

12

Defendant.)

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 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 Judge¹, must be completed, signed

25

26

¹The 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. 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

27

28

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 (9th 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 (9th Cir. 1993)
12 (citing *Pacemaker Diagnostic Clinic of Am. Inc. v. Instromedix, Inc.*, 725 F.2d 537, 541
13 (9th Cir. 1984) (*en banc*)).

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

20 Accordingly,

21 **IT IS ORDERED** that Plaintiff shall file on or before **December 14,**
22 **2007** its written election to either consent to magistrate judge jurisdiction or elect to
23 proceed before a United States district judge.

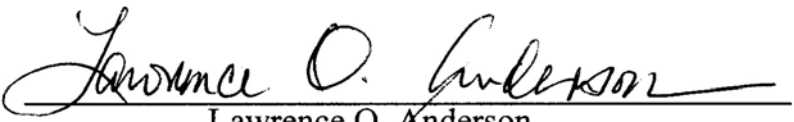
24 **IT IS FURTHER ORDERED** that Plaintiff shall serve upon the
25 Defendant the appropriate consent form provided at the time of the filing of its Complaint
26 at the time of service of its Complaint upon the Defendant.

27 _____
28 form.

1 **IT IS FURTHER ORDERED** that Defendant 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/. All other rules may be found as 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 (9th Cir. 1986).

12 DATED this 28th day of November, 2007.

13
14 
15 Lawrence O. Anderson
16 United States Magistrate Judge
17
18
19
20
21
22
23
24
25
26
27
28