

1 Jurisdiction By United States Magistrate Judge¹, must be completed, signed and filed.
2 The party filing the case or removing it to this 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 not later than 20 days after entry of appearance, and
5 must serve a copy by mail or hand delivery upon all parties of record in 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 Defendant Executive Trustee
15 Services, LLC and Mortgage Electronic Registration Systems, Inc., filed a Notice of
16 Removal on November 21, 2008.

17 Defendants shall have until **December 15, 2008**, within which to make their
18 selection to either consent to magistrate judge jurisdiction or elect to proceed before a
19 U. S. district judge.

20 Accordingly,

21 **IT IS ORDERED** that the Defendants Executive Trustee Services, LLC
22 and Mortgage Electronic Registration Systems, Inc., shall file on or before **Monday**,

25 ¹The consent/election form may be obtained directly from the Clerk of the Court or
26 by accessing the District of Arizona's web site at www.azd.uscourts.gov. To find the
27 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
form.

1 **December 15, 2008** their written election to either consent to magistrate judge
2 jurisdiction or elect to proceed before a United States district judge.

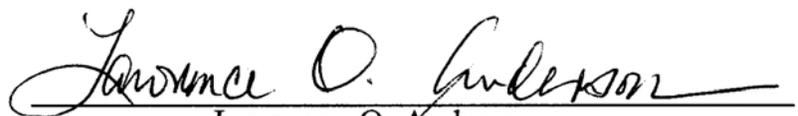
3 **IT IS FURTHER ORDERED** that Plaintiffs shall either consent to proceed
4 before a magistrate judge or elect to proceed before a district judge by **Monday,**
5 **December 15, 2008.**

6 **IT IS FURTHER ORDERED** that counsel and any party, if
7 unrepresented, shall hereinafter comply with the Rules of Practice for the United States
8 District Court for the District of Arizona, as amended on December 1, 2007. The
9 District's Rules of Practice may be found on the District Court's internet web page at
10 www.azd.uscourts.gov/. All other rules may be found as www.uscourts.gov/rules/. The
11 fact that a party is acting pro se does not discharge this party's duties to "abide by the
12 rules of the court in which he litigates." *Carter v. Commissioner of Internal Revenue*, 784
13 F.2d 1006, 1008 (9th Cir. 1986).

14 **IT IS FURTHER ORDERED** that counsel and any party, if
15 unrepresented, shall use the above caption, number and initials until further order of the
16 Court.

17 **IT IS FURTHER ORDERED** that counsel shall use proper capitalization
18 in all future captions as mandated by LRCiv 7.1(a)(3).

19 DATED this 25th day of November, 2008

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22 Lawrence O. Anderson
23 United States Magistrate Judge
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