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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,
Plaintiff,
vs.
Maricopa County, Arizona; Maricopa
County Sheriff's Office; and Joseph M.)
Arpaio, in his official capacity as Sheriff
of Maricopa County, Arizona,
Defendants.

No. CV-10-01878-PHX-LOA
**NOTICE OF ASSIGNMENT
AND ORDER**

Pursuant to Local Rule ("LRCiv") 3.8(a), Rules of Practice, effective December 1, 2009, 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.

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 U.S. district judge, the appropriate section of the form, entitled Consent To Exercise Of

1 Jurisdiction By United States Magistrate Judge¹, must be completed and signed. The
2 party filing the case or removing it to this Court is responsible for serving all parties with
3 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 14 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 substantive consequences. Title 28 U.S.C. 636(c)(2); Rule 73(b),
8 Fed.R.Civ.P.; *Anderson v. Woodcreek Venture Ltd.*, 351 F.3d 911, 913-14 (9th Cir. 2003)
9 (pointing out that consent is the "touchstone of magistrate judge jurisdiction" under Title
10 28 U.S.C. §636(c)). "A party to a federal civil case has, subject to some exceptions, a
11 constitutional right to proceed before an Article III judge." *Dixon v. Ylst*, 990 F.2d 478,
12 479 (9th Cir. 1993) (citing *Pacemaker Diagnostic Clinic of Am. Inc. v. Instromedix, Inc.*,
13 725 F.2d 537, 541 (9th Cir. 1984) (*en banc*)).

14 A review of the District Court's docket reflects that Defendant Maricopa
15 County, Arizona, filed a Notice of Appearance, doc. 7, on September 3, 2010.

16 It is unknown if a copy of the appropriate consent form electronically
17 mailed to Plaintiff on September 2, 2010 by the Clerk was served with the Complaint and
18 Summons upon Defendants per the written instructions from the Clerk.

19 **IT IS ORDERED** that Defendant Maricopa County, Arizona, shall file its
20 written election to either consent to magistrate-judge jurisdiction or elect to proceed
21 before a United States district judge on or before **Thursday, September 22, 2010**.

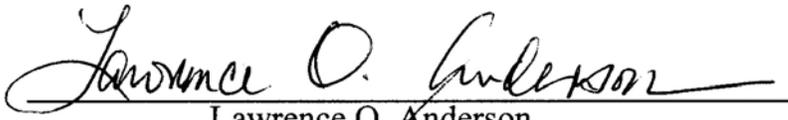
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24 _____
25 ¹The consent/election form may be obtained directly from the Clerk of the Court or
26 by accessing the District of Arizona's web site at www.azd.uscourts.gov, click on
27 "Operations & Filing" at the top of the page, then click on "Forms" and then click on and
28 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, N at p. 24

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IT IS FURTHER ORDERED that counsel and any party, if unrepresented, shall hereinafter comply with the Rules of Practice for the United States District Court for the District of Arizona. The District's Rules of Practice may be found on the District Court's internet web page at www.azd.uscourts.gov/.

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

DATED this 9th day of September, 2010.


Lawrence O. Anderson
United States Magistrate Judge