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5 **UNITED STATES DISTRICT COURT**  
6 **EASTERN DISTRICT OF CALIFORNIA**  
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8 **EMILITO EXMUNDO,**

9 **Plaintiff,**

10 **v.**

11 **BELL, et al.,**

12 **Defendants.**

**CASE NO. 1:06--CV-0205 AWI DLB PC**

**ORDER DIRECTING THE CLERK OF  
THE COURT TO SEND THE PARTIES  
THE COURT'S STANDARD FORM TO  
CONSENT TO OR DECLINE  
MAGISTRATE JUDGE JURISDICTION**

**ORDER REQUIRING THE PARTIES  
TO RETURN THE FORMS WITHIN  
TEN DAYS**

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15 Plaintiff is proceeding in this civil rights action against prison officials. This action is set  
16 for jury trial on February 11, 20013. At this time, the Court is currently scheduled to be in trial  
17 with criminal cases during this time.

18 Out of fairness, the Court believes it is necessary to forewarn litigants that the Fresno  
19 Division of the Eastern District of California now has the heaviest District Judge caseload in the  
20 entire nation. While the Court will use its best efforts to resolve this case and all other civil cases  
21 in a timely manner, the parties are admonished that not all of the parties' needs and expectations  
22 may be met as expeditiously as desired. As multiple trials are now being set to begin upon the  
23 same date, parties may find their case trailing with little notice before the trial begins. The law  
24 requires the Court give any criminal case priority over civil trials and other matters, and the Court  
25 must proceed with criminal trials even if a civil trial is older or was set earlier. If multiple trials  
26 are scheduled to begin on the same day, this civil trial will trail day to day or week to week until  
27 completion of any criminal case.

28 The parties are reminded of the availability of a United States Magistrate Judge to conduct

1 all proceedings in this action. A United States Magistrate Judge is available to conduct trials,  
2 including entry of final judgment, pursuant to 28 U.S.C. § 28 U.S.C. 636(c), Federal Rule of Civil  
3 Procedure 73, and Local Rule 305. The Court will direct the Clerk of the Court to provide  
4 Defendants with the Court's standard form to consent to or decline Magistrate Judge jurisdiction.  
5 Within ten days of this order's date of service, the parties shall either consent to or decline  
6 Magistrate Judge jurisdiction by filling out the requisite forms and returning them to the Court.

7 The parties are advised that the same jury pool is used by both United States Magistrate  
8 Judges and United States Article III District Court Judges. Any appeal from a judgment entered  
9 by a United States Magistrate Judge is taken directly to the United States Court of Appeal for the  
10 Ninth Circuit.

11 Finally, for the parties' information, the Fresno Division, whenever possible, is  
12 utilizing United States Article III District Court Judges from throughout the country as Visiting  
13 Judges. Pursuant to the Local Rules, Appendix A, such reassignments will be random, and the  
14 parties will receive no advance notice before their case is reassigned to an Article III District Court  
15 Judge from outside the Fresno Division of the Eastern District of California.

16 The parties are hereby informed that no substantive rulings or decisions will be affected by  
17 whether a party chooses to consent.

18 Accordingly, the court orders that:

19 1. The Clerk of the Court is DIRECTED to provide the parties with the forms that will  
20 allow them to consent or decline Magistrate Judge Jurisdiction; and

21 2. Within ten days from this order's date of service, the parties shall notify the Court  
22 whether they consent to or decline Magistrate Judge jurisdiction by filling out the enclosed forms  
23 and returning them to the Court.

24 IT IS SO ORDERED.

25 Dated: December 18, 2013

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27 SENIOR DISTRICT JUDGE