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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

DONALD J. ACKLEY,

Plaintiff,

v.

D. CARROLL, et al.,

Defendants.

CASE NO. 1:06-cv-00771-AWI-BAM PC

**ORDER REQUIRING PARTIES TO NOTIFY COURT WHETHER THEY WILL CONSENT TO MAGISTRATE JUDGE JURISDICTION WITHIN TEN DAYS**

**ORDER DIRECTING CLERK OF COURT TO SEND CONSENT FORMS TO PARTIES**

Following resolution of Defendants’ motion for summary judgment, this action is proceeding on the complaint, filed June 19, 2006 against Defendant Wright for excessive force in violation of the Eighth Amendment, and Defendant Carroll for retaliation in violation of the First Amendment.

The parties in this action have declined to consent to the jurisdiction of the Magistrate Judge.

A United States Magistrate Judge is available to conduct trials, including entry of final judgment, pursuant to 28 U.S.C. § 28 U.S.C. 636(c), Federal Rule of Civil Procedure 73, and Local Rule 73-305. Any appeal from a judgment entered by a United States Magistrate Judge is taken directly to the United States Court of Appeal for the Ninth Circuit.

Because of the extraordinarily high case load in this district, this court has United States Magistrate Judges conduct trials in civil rights actions concerning prison conditions whenever possible. Having a Magistrate Judge preside over the trial makes it far more likely a case will proceed on the scheduled trial date, and the trial will not be delayed by other matters. While consenting to Magistrate Judge jurisdiction will most likely expedite resolution of this action, you are hereby advised that no adverse substantive consequences will result if you withhold consent.

1 The court shall direct the Clerk of the Court to provide the parties with consent/decline  
2 forms. Within ten days from the date of service of this order, the parties shall inform the court  
3 whether they consent to or decline Magistrate Judge Jurisdiction by filling out the forms and  
4 returning them to the court.

5 Accordingly, the court HEREBY ORDERS as follows:

- 6 1. The Clerk of the Court is DIRECTED to send Plaintiff and Defendants Wright and  
7 Carroll forms that will allow them to consent or decline Magistrate Judge  
8 Jurisdiction; and
- 9 2. Within **ten (10) days** from the date of service of this order, the parties shall notify the  
10 court whether they consent to or decline Magistrate Judge jurisdiction by filling out  
11 the enclosed forms and returning them to the court.

12 IT IS SO ORDERED.

13 Dated: April 20, 2012

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16 CHIEF UNITED STATES DISTRICT JUDGE  
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