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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

SAMUEL DANCY, JR.,

1:07-cv-0716 AWI JLT PC

Plaintiff,

**ORDER REQUIRING DEFENDANTS TO
NOTIFY THE COURT WHETHER THEY
WILL CONSENT TO MAGISTRATE JUDGE
JURISDICTION WITHIN FIVE DAYS**

v.

A. K. SCRIBNER, et al.,

Defendants.

**ORDER DIRECTING THE CLERK OF
COURT TO SEND CONSENT/ FORMS TO
DEFENDANTS**

_____ /

Plaintiff Samuel Dancy, Jr. ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action is set for jury trial on February 7, 2012.

The undersigned hereby advises the parties that a United States Magistrate Judge is available to conduct the trial in this action, including the 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 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 the Fresno Division of the Eastern District of California, this court has United States Magistrate Judges conduct trials in civil rights actions

1 concerning prison conditions whenever possible.¹ Having a Magistrate Judge preside over the trial
2 makes it far more likely a case will proceed on the scheduled trial date, and the trial will not be
3 delayed by other matters. While consenting to Magistrate Judge Jurisdiction will most likely
4 expedite resolution of this action, you are hereby advised that no adverse substantive consequences
5 will result if you withhold consent.

6 In this action, Plaintiff has already consented to Magistrate Judge Jurisdiction. However,
7 it is unclear, at this time, whether Defendants are willing to consent for the purposes of trial. As
8 such, The court shall direct the Clerk of the Court to provide Defendants with consent/decline
9 forms. Within five days from the date of service of this order, Defendants shall inform the court
10 whether they consent to or decline Magistrate Judge Jurisdiction by filling out the form and returning
11 it to the court.

12 Accordingly, the court HEREBY ORDERS as follows:

- 13 1. The Clerk of the Court is DIRECTED to send Defendants the standard forms that
14 allow them to consent or decline Magistrate Judge Jurisdiction; and
- 15 2. Within **five (5) days** from the date of service of this order, Defendants shall notify
16 the court whether they consent to or decline Magistrate Judge jurisdiction by filling
17 out the enclosed forms and returning them to the court.

18 IT IS SO ORDERED.

19 Dated: January 24, 2012


CHIEF UNITED STATES DISTRICT JUDGE

26 ¹ The parties are forewarned that the Fresno Division of the Eastern District of California
27 now has the heaviest District Judge caseload in the entire nation. While the court will use its
28 best efforts to resolve this and all civil cases in a timely manner, the parties are admonished that
not all of the parties' needs and expectations may be met as expeditiously as desired.