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

SID LANDAU,

Plaintiffs

v.

W. T. VOSS, et al.,

Defendants.

CASE: 1:07 -CV-0815 AWI DLB PC

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

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

Plaintiff contends in this action that Defendants violated his Civil Rights in violation of the United States Constitution. This action is set for a jury trial to begin on March 18, 2014.

At this time, a criminal case and several civil cases are set for shortly before March 18, 2014, and these other trial likely will result in the Court needing to trail this action. Out of fairness, the Court believes it is necessary to forewarn the litigants that the Fresno Division of the Eastern District of California now has the heaviest District Judge caseload in the entire nation. While the Court will use its best efforts to resolve this case and all other 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. As multiple trials are now being set to begin upon the same date,

1 parties may find their case trailing with little notice before the trial begins. The law requires the
2 Court give any criminal case priority over civil trials and other matters, and the Court must
3 proceed with criminal trials even if a civil trial is older or was set earlier. If the Court is already
4 proceeding with a trial on the date this trial is set to proceed, this action's trial will trail day to day
5 or week to week until completion of any criminal case or older civil case. It also may simply be
6 placed on the Court's list of pending trailing trials.

7 The parties are reminded of the availability of a United States Magistrate Judge to conduct
8 all proceedings in this action. A United States Magistrate Judge is available to conduct trials,
9 including entry of final judgment, pursuant to 28 U.S.C. § 28 U.S.C. 636(c), Federal Rule of Civil
10 Procedure 73, and Local Rule 305. The Court will direct the Clerk of the Court to provide the
11 parties with the Court's standard form to consent to or decline Magistrate Judge jurisdiction.
12 Within five days, the parties shall either consent to or decline Magistrate Judge jurisdiction by
13 filling out the requisite forms and returning them to the Court.

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

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

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

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Accordingly, the court orders that:

1. The Clerk of the Court is DIRECTED to provide the parties with the Court's standard forms allowing them to consent or decline Magistrate Judge Jurisdiction; and
2. Within five days from this order's date of service, the parties shall notify the Court whether they consent to or decline Magistrate Judge jurisdiction by filling out the enclosed forms and returning them to the Court.

IT IS SO ORDERED.

Dated: March 5, 2014



SENIOR DISTRICT JUDGE