

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ESS'NN AUBERT,

Case No. 1:07-cv-01629-LJO-GSA PC

Plaintiff,

**NOTICE TO PARTIES REGARDING
IMPACTED TRIAL CALENDAR AND
AVAILABILITY OF CONSENT TO U.S.
MAGISTRATE JUDGE JURISDICTION**

v.

C/O KEVIN ELIJAH AND C/O MARIO
GARCIA,

Defendants.

This matter is currently set for jury trial before U.S. District Judge Lawrence J. O'Neill on October 29, 2013, and the Defendants have declined to consent to U.S. Magistrate Judge jurisdiction. The parties are hereby notified of the following regarding Judge O'Neill's impacted trial calendar and its potential effect on their trial date.

Judges in the Eastern District of California carry the heaviest caseload in the nation, and this Court is unable to devote inordinate time and resources to individual cases and matters. Judge O'Neill must adhere to strict scheduling to best manage his burdensome caseload approaching 2,000 cases.

This case is currently fourth on Judge O'Neill's trial calendar, and civil trials set before Judge O'Neill trail until he becomes available and are subject to suspension mid-trial to accommodate criminal matters. Civil trials are no longer reset to a later date if Judge O'Neill is unavailable on the original date set for trial. If a trial trails, it may proceed with little advance notice, and the parties and counsel may be expected to proceed to trial with less than 24 hours

1 notice. Moreover, this Court's Fresno Division randomly and without advance notice reassigns
2 civil actions to U.S. District Judges throughout the nation to serve as visiting judges. In the
3 absence of Magistrate Judge consent, this action is subject to reassignment to a U.S. District Judge
4 from outside the Eastern District of California.

5 Case management difficulties, including trial setting and interruption, are avoided if the
6 parties consent to conduct of further proceedings by a U.S. Magistrate Judge. This Court
7 recognizes that Defendants have filed a decline to Magistrate Judge jurisdiction. However, given
8 the gravity of Judge O'Neill's inability to commit to trials, Defendants are encouraged to
9 reconsider Magistrate Judge consent.¹

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

IT IS SO ORDERED.

Dated: July 26, 2013

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE

¹ Plaintiff filed consents to U.S. Magistrate Judge jurisdiction on May 13, 2013 and May 28, 2013 in response to the court's second scheduling order, in which the parties were directed to either consent to or decline U.S. Magistrate Judge jurisdiction. (Docs. 86, 89.)