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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

MAXIMILIAN MONCLOVA-CHAVEZ,

CASE NO. 1:08-cv-00076-AWI-BAM PC

Plaintiff,

**ORDER REQUIRING DEFENDANTS  
TINCHER, WHITE, AND MILLER TO  
NOTIFY COURT WHETHER THEY WILL  
CONSENT TO MAGISTRATE JUDGE  
JURISDICTION WITHIN TWENTY DAYS**

v.

ERIC McEACHERN, et al.,

Defendants.

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

\_\_\_\_\_ /  
This action is proceeding on the complaint, filed January 15, 2008, against Defendants Miller, White, and Tincher for violations of the Eighth Amendment. On November 3, 2009, Plaintiff consented to the jurisdiction of the Magistrate Judge. (ECF No. 39.)

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 defendants with consent/decline  
2 forms. Within twenty days from the date of service of this order, Defendants Tincher, White, and  
3 Miller shall inform the court whether they consent to or decline Magistrate Judge Jurisdiction by  
4 filling out the forms and returning them to the court.

5 Accordingly, the court HEREBY ORDERS as follows:

- 6 1. The Clerk of the Court is DIRECTED to shall send Defendants Tincher, White and  
7 Miller forms that will allow them to consent or decline Magistrate Judge Jurisdiction;  
8 and
- 9 2. Within **twenty (20) days** from the date of service of this order, the defendants shall  
10 notify the court whether they consent to or decline Magistrate Judge jurisdiction by  
11 filling out the enclosed forms and returning them to the court.

12 IT IS SO ORDERED.

13 Dated: March 29, 2012

  
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CHIEF UNITED STATES DISTRICT JUDGE