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IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA

STEVIE J. SMITH,

Plaintiff,

vs.

ROBERT AYERS, JR., et al.,

Defendants.

1:08-cv-01978-SMS (PC)

ORDER REQUIRING PLAINTIFF TO  
SUBMIT A NEW CONSENT/DECLINE  
FORM AS TO MAGISTRATE JUDGE  
JURISDICTION

THIRTY DAY DEADLINE

\_\_\_\_\_ /

Plaintiff is a prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983.

On December 30, 2008, the Court issued an Order Re Consent or Request for Reassignment (Court Document #6-2) which was served on Plaintiff with information and instructions for informing the Court whether he would consent to Magistrate Judge Jurisdiction.

The form instructs the parties to "Check and Sign ONLY ONE Section of the Form," indicating a choice between "consent" or "decline" as to jurisdiction of the Magistrate Judge. On January 12, 2009, Plaintiff returned the Order Re Consent or Request for Reassignment form to the Court; however, plaintiff signed BOTH sections of the form. At this time, the Court shall require Plaintiff to complete a new Order Re Consent or Request for Reassignment form and return it to the Court.

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Accordingly, IT IS HEREBY ORDERED that:

1. The Clerk of Court shall re-serve on Plaintiff the Order Re Consent or Request for Reassignment issued on December 30, 2008 (Court Document #6-2).
2. Within thirty (30) days from the date of service of this order, Plaintiff shall submit a new Order Re Consent or Request for Reassignment form, telling the Court whether he will consent to Magistrate Judge Jurisdiction. Plaintiff must sign ONLY ONE section of the form, indicating a choice between "consent" and "decline."
3. Failure to follow this order will result in a recommendation that this action be dismissed pursuant to Local Rule 11-110.

IT IS SO ORDERED.

**Dated: January 20, 2009**

**/s/ Sandra M. Snyder**  
**UNITED STATES MAGISTRATE JUDGE**