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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ERIC CHARLES RODNEY K’NAPP,

CASE NO. 1:09-cv-00412-GSA PC

Plaintiff,

ORDER DENYING MOTION FOR
ASSIGNMENT OF A DISTRICT JUDGE
AND FOR RECONSIDERATION OF
SCREENING ORDER BY A DISTRICT
JUDGE

v.

JAMES A. YATES, et al.,

Defendants.

(Doc. 13)

Plaintiff Eric Charles Rodney K’napp is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On July 28, 2009, the Court dismissed Plaintiff’s complaint, with leave to amend, for failure to state any claims. On August 12, 2009, Plaintiff filed a motion seeking to have the screening order reconsidered by a United States District Judge, and a stay pending the district judge’s order. Plaintiff’s motion was denied on August 19, 2009. On August 27, 2009, Plaintiff filed another motion seeking the assignment of a district judge to this case and for reconsideration of the screening order by a district judge.

As Plaintiff was previously informed, Plaintiff consented to United States Magistrate Judge jurisdiction on March 23, 2009. Therefore, this action was assigned to the undersigned pursuant to Appendix A(k)(4) of the Local Rules of the Eastern District of California. Plaintiff did not exercise his right to request reassignment to a district judge at the initiation of this action. Appendix A(k)(3). Because Plaintiff instead consented, Appendix A(k)(4) is the governing subsection. Plaintiff’s disagreement with the Court’s screening order provides no basis for the withdrawal of his earlier

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1 consent, and this case will remain assigned to the undersigned. Dixon v. Ylst, 990 F.2d 478, 480
2 (9th Cir. 1993).

3 Accordingly, it is HEREBY ORDERED that:

- 4 1. Plaintiff's motion for the assignment of a district judge to this case and for
5 reconsideration of the screening order by a district judge is DENIED, with prejudice;
6 and
- 7 2. Plaintiff has **thirty (30) days** to comply with the order to file an amended complaint,
8 or this action will be dismissed, with prejudice, for failure to state a claim.

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11 IT IS SO ORDERED.

12 **Dated: September 4, 2009**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE