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

ERIC CHARLES RODNEY K’NAPP,)	Case No.: 1:09-cv-00412-SAB (PC)
)	
Plaintiff,)	
)	ORDER DENYING PLAINTIFF’S MOTION
v.)	FOR RECONSIDERATION OF COURT’S
)	SEPTEMBER 16, 2014, ORDER
ARLITZ, et al.,)	
)	[ECF No. 43]
Defendants.)	
)	
)	

Plaintiff Eric Charles Rodney K’Napp is appearing pro se in this civil rights action pursuant to 42 U.S.C. § 1983. Pursuant to 28 U.S.C. § 636(c), Plaintiff consented to the jurisdiction of the United States Magistrate Judge on March 23, 2009. Local Rule 302.

On October 8, 2014, Plaintiff filed a motion for the District Court to reconsider and vacate the undersigned’s September 16, 2014, screening order.

Plaintiff consented to United States Magistrate Judge jurisdiction on March 23, 2009. Therefore, this action was assigned to a Magistrate Judge pursuant to 28 U.S.C. § 636(c).

Plaintiff previously filed a motion for reconsideration on the same grounds, which was denied with prejudice on August 19, 2009. (ECF Nos. 11, 12.)

Plaintiff’s present motion for reconsideration must be denied. “The Federal Magistrate Act provides that ‘[u]pon the consent of the parties, a full-time United States Magistrate Judge ... may conduct any or all proceedings in a jury or nonjury civil matter and order the entry of judgment in the

1 case, when specially designed to exercise such jurisdiction by the district court.” Wilhelm v. Rotman,
2 680 F.3d 1113, 1118 (9th Cir. 2012) (citing Roell v. Withrow, 538 U.S. 580, 585 (2003). In this
3 instance, Plaintiff unambiguously consented to the jurisdiction of “a United States Magistrate Judge”
4 by selecting the “consent” box on the court-provided form. Wilhelm v. Rotman, 680 F.3d at 1118.
5 The form advised Plaintiff that “[w]ithout the written consent of the parties presently appearing
6 pursuant to 28 U.S.C. [§] 636(c), a magistrate judge cannot conduct all proceedings and enter
7 judgment in this case with direct review by the Ninth Circuit Court of Appeals, in the event an appeal
8 is filed. If a party declines to consent and the case is assigned to a district judge, the assigned
9 magistrate judge shall continue to perform all duties as required by Eastern District Local Rule 72-
10 302.” (ECF No. 6.) Plaintiff checked the box “consent” and signed and dated the form which
11 specifically stated “[t]he undersigned hereby voluntarily consents to have a United States Magistrate
12 Judge conduct all further proceedings in this case.” (Id.) Thus, Plaintiff knowingly and voluntarily
13 consented to jurisdiction of a United States Magistrate Judge. Wilhelm v. Rotman, 680 F.3d at 1118-
14 1119. Plaintiff’s continued disagreement with the Court’s screening order provides no basis for the
15 withdrawal of his earlier consent, and this case will remain assigned to the undersigned Magistrate
16 Judge.

17 Based on the foregoing,

18 IT IS HEREBY ORDERED that Plaintiff’s motion for reconsideration is DENIED.

19
20 IT IS SO ORDERED.

21 Dated: October 14, 2014


22 UNITED STATES MAGISTRATE JUDGE