

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

SANTOS A. VILLEGAS,

1:09-CV-0493-AWI GSA P

Plaintiff,

**ORDER REQUIRING PARTIES TO NOTIFY
COURT WHETHER THEY WILL CONSENT
TO MAGISTRATE JUDGE JURISDICTION
WITHIN TEN DAYS**

v.

L. L. SCHULTEIS, et al.,

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

Defendants.

_____ /

Plaintiff Santos A. Villegas is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action is set for a Telephonic Trial Confirmation hearing on February 6, 2012 and jury trial on March 13, 2012.

The undersigned hereby advises the parties that a United States Magistrate Judge is available to conduct the trial in this action, including the 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 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 the Fresno Division of the Eastern District of California, this court has United States Magistrate Judges conduct trials in civil rights actions

1 concerning prison conditions whenever possible.¹ Having a Magistrate Judge preside over the trial
2 makes it far more likely a case will proceed on the scheduled trial date, and the trial will not be
3 delayed by other matters. While consenting to Magistrate Judge Jurisdiction will most likely
4 expedite resolution of this action, you are hereby advised that no adverse substantive consequences
5 will result if you withhold consent.

6 At this time the court needs to know whether the parties are willing to consent for the
7 purposes of trial upcoming dates. The court shall direct the Clerk of the Court to provide parties
8 with consent/decline forms. Within ten days from the date of service of this order, the parties shall
9 inform the court whether they consent to or decline Magistrate Judge Jurisdiction by filling out the
10 form and returning it to the court.

11 Accordingly, the court HEREBY ORDERS as follows:

- 12 1. The Clerk of the Court is DIRECTED to send the parties the standard forms that
13 allow them to consent or decline Magistrate Judge Jurisdiction; and
- 14 2. Within **ten (10) days** from the date of service of this order, the parties shall notify the
15 court whether they consent to or decline Magistrate Judge jurisdiction by filling out
16 the enclosed forms and returning them to the court.

17 IT IS SO ORDERED.

18 Dated: January 27, 2012

19 
20 _____
21 CHIEF UNITED STATES DISTRICT JUDGE

22
23
24
25
26 _____
27 ¹ The parties are forewarned that the Fresno Division of the Eastern District of California
28 now has the heaviest District Judge caseload in the entire nation. While the court will use its
best efforts to resolve this and all civil cases in a timely manner, the parties are admonished that
not all of the parties' needs and expectations may be met as expeditiously as desired.