

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

NORMAN IVORY,

Plaintiff,

S. MERAZ,

Defendant.

CASE NO. 1:09-CV-1272 AWI GSA PC

ORDER DIRECTING THE CLERK OF THE COURT TO SEND TO DEFENSE COUNSEL THE COURT'S STANDARD FORM TO CONSENT TO OR DECLINE MAGISTRATE JUDGE JURISDICTION

**ORDER REQUIRING DEFENSE
COUNSEL TO RETURN THE FORMS
WITHIN TEN DAYS**

Norman Ivory (“Plaintiff”) is proceeding pro se in this civil rights action. This action is set for jury trial on October 22, 2013. At this time, a criminal case and a previously scheduled older civil case are also set to go to trial on October 22, 2013.

Out of fairness, the Court believes it is necessary to forewarn litigants that the Fresno Division of the Eastern District of California now has the heaviest District Judge caseload in the entire nation. While the Court will use its best efforts to resolve this case and all other 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. As multiple trials are now being set to begin upon the same date, parties may find their case trailing with little notice before the trial begins. The law requires the Court give any criminal case priority over civil trials and other matters, and the Court must proceed with criminal trials even if a civil trial is older or was set earlier. If multiple trials are scheduled to begin on the same day, this civil trial will trail day to day or week to week until completion of any criminal case or older civil case.

The parties are reminded of the availability of a United States Magistrate Judge to conduct all proceedings in this action. A United States Magistrate Judge is available to conduct trials,

1 including entry of final judgment, pursuant to 28 U.S.C. § 28 U.S.C. 636(c), Federal Rule of Civil
2 Procedure 73, and Local Rule 305. The Court will direct the Clerk of the Court to provide
3 Defense Counsel with the Court's standard form to consent to or decline Magistrate Judge
4 jurisdiction. Within ten days of this order's date of service, Defendant shall either consent to or
5 decline Magistrate Judge jurisdiction by filling out the requisite forms and returning them to the
6 Court.

7 The parties are advised that the same jury pool is used by both United States Magistrate
8 Judges and United States Article III District Court Judges. Any appeal from a judgment entered
9 by a United States Magistrate Judge is taken directly to the United States Court of Appeal for the
10 Ninth Circuit. Finally, for the parties' information, the Fresno Division, whenever possible, is
11 utilizing United States Article III District Court Judges from throughout the country as Visiting
12 Judges. Pursuant to the Local Rules, Appendix A, such reassessments will be random, and the
13 parties will receive no advance notice before their case is reassigned to an Article III District Court
14 Judge from outside of the Eastern District of California.

15 The parties are hereby informed that no substantive rulings or decisions will be affected by
16 whether a party chooses to consent.

17 Accordingly, the court orders that:

18 1. The Clerk of the Court is DIRECTED to provide Defense Counsel with the forms
19 that will allow Defendant to consent or decline Magistrate Judge Jurisdiction; and

20 2. Within ten days from this order's date of service, Defense Counsel shall notify the
21 Court whether Defendant consents to or declines Magistrate Judge jurisdiction by filling out the
22 enclosed forms and returning them to the Court.

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25 IT IS SO ORDERED.

26 Dated: September 10, 2013


27 SENIOR DISTRICT JUDGE