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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 WILLIAM SUTHERLAND,

12 Plaintiff,

13 v.

14 CORRECTIONAL OFFICERS A.
15 FERNANDO AND M. JERICOFF,

16 Defendants.
17

1:09-cv-02152-LJO-GSA-PC

**NOTICE TO PARTIES REGARDING
IMPACTED TRIAL CALENDAR
AND AVAILABILITY OF CONSENT
TO U. S. MAGISTRATE JUDGE
JURISDICTION**

**ORDER FOR CLERK TO SEND
PLAINTIFF A CONSENT/DECLINE
FORM**

18 This matter is currently set for jury trial before U.S. District Judge Lawrence J. O'Neill
19 on January 6, 2015, and Plaintiff has declined to consent to U.S. Magistrate Judge jurisdiction.
20 The parties are hereby notified of the following regarding Judge O'Neill's impacted trial
21 calendar and its potential effect on their trial date.

22 Judges in the Eastern District of California carry the heaviest caseload in the nation, and
23 this Court is unable to devote inordinate time and resources to individual cases and matters.
24 Judge O'Neill must adhere to strict scheduling to best manage his burdensome caseload
25 approaching 2,000 cases.

26 Civil trials set before Judge O'Neill may trail until he becomes available and are subject
27 to suspension mid-trial to accommodate criminal matters. Civil trials are no longer reset to a
28 later date if Judge O'Neill is unavailable on the original date set for trial. If a trial trails, it may

1 proceed with little advance notice, and the parties and counsel may be expected to proceed to
2 trial with less than 24 hours notice. Moreover, this Court's Fresno Division randomly and
3 without advance notice reassigns civil actions to U.S. District Judges throughout the nation to
4 serve as visiting judges. In the absence of Magistrate Judge consent, this action is subject to
5 reassignment to a U.S. District Judge from outside the Eastern District of California.

6 Case management difficulties, including trial setting and interruption, are avoided if the
7 parties consent to conduct of further proceedings by a U.S. Magistrate Judge. This Court
8 recognizes that Plaintiff has filed a form declining Magistrate Judge jurisdiction.¹ However,
9 given the gravity of Judge O'Neill's inability to commit to trials, Plaintiff is encouraged to
10 reconsider Magistrate Judge consent. The Clerk shall send Plaintiff a form for consent to or
11 decline of Magistrate Judge jurisdiction.

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13 IT IS SO ORDERED.

14 Dated: **September 29, 2014**

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE

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¹ Plaintiff filed a decline of U.S. Magistrate Judge jurisdiction on September 10, 2014, and Defendants
filed a consent on September 25, 2014. (Docs. 103, 105.)