

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA AT FRESNO

**INSTRUCTIONS FOR CONSENT TO JURISDICTION OF
UNITED STATES MAGISTRATE JUDGE**

In order to reduce delay, better serve the litigants, avoid duplication of judicial effort and more evenly distribute the court's civil caseload, the U.S. District Court for the Eastern District of California provides these instructions and a form for consent to jurisdiction of a United States Magistrate Judge in accordance with the provisions of 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73.

Litigants should find that consenting to the jurisdiction of the U.S. Magistrate Judge will reduce complexity and duplication of effort of the litigation and speed the resolution of their cases. The civil and criminal dockets of the U.S. Magistrate Judges in Fresno are much less crowded than those of the District Court Judges and consequently the Magistrate Judges are able to give litigants early and firm trial dates. Additionally, the assignment of only one judge (i.e. a U.S. Magistrate Judge) to the action will serve to speed resolution of the case by preventing duplication of judicial effort. Litigants who consent to the jurisdiction of the U.S. Magistrate Judge may appeal directly to the Ninth Circuit Court of Appeals in the same manner as appeals of orders of a District Judge. However, litigants who decline to consent to the Magistrate Judge must first seek review of the Magistrate Judge's findings and recommendations by a District Judge before appealing to the Ninth Circuit.

Using the form provided with this notice, each of the parties may indicate whether or not they will consent to the jurisdiction of a U. S. Magistrate Judge by signing the applicable section of the attached form. If all parties consent, the U.S. Magistrate Judge will be reassigned as the presiding judge in the case for all purposes, pursuant to 28 U.S.C. § 636(c)(1). If any party declines, or if any party withholds consent, the case will remain with the assigned U.S. District Judge. The case will however also remain with the assigned U.S. Magistrate Judge who will manage the progress of the action and rule on all non-dispositive motions by order and all dispositive motions by findings and recommendations pursuant to 28 U.S.C. § 636(b)(2).

The party filing or removing the case is responsible for serving all parties with the consent/decline forms.

