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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RICKEY WIGGINS,)	1:10-cv-02093-OWW-JLT HC
)	
Petitioner,)	ORDER DISREGARDING PETITIONER’S
)	MOTION TO DECLINE JURISDICTION OF
v.)	THE MAGISTRATE JUDGE (Doc. 10)
)	
JAMES A. YATES, Warden,)	ORDER DENYING AS MOOT PETITIONER’S
)	THIRD MOTION FOR EXTENSION OF TIME
Respondent.)	TO FILE AN OPPOSITION TO
)	RESPONDENT’S MOTION TO DISMISS (Doc.
)	16)

Petitioner is a state prisoner proceeding pro se on a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On November 20, 2010, Petitioner filed his petition for writ of habeas corpus in this Court. (Doc. 1).

On December 21, 2010, Respondent filed his written refusal to the consent of the United States Magistrate Judge. (Doc. 8). On December 23, 2010, Petitioner filed a motion to decline consent to the jurisdiction of the United States Magistrate Judge. (Doc. 10). On December 23, 2010, both parties having refused to consent to the jurisdiction of the Magistrate Judge, the Court assigned the case to United States District Judge Oliver Wanger. (Doc. 9).

On January 24, 2011, Respondent filed a motion to dismiss the petition. (Doc. 11). After being granted several extensions of time, Petitioner, on May 4, 2011, filed his third request for an extension of time to file an opposition to the motion to dismiss. (Doc. 16). On May 13, 2011,

1 before the Court could rule on Petitioner’s request, Petitioner filed his opposition. (Doc. 17). On
2 May 18, 2011, the Court issued a Findings and Recommendations to grant Respondent’s motion
3 to dismiss. (Doc. 18).

4 Petitioner’s “motion” to refuse consent of the Magistrate Judge is not properly brought as
5 a motion but rather as a “consent” or “refusal of consent” to the Magistrate Judge’s jurisdiction.
6 Since both parties refused consent and the matter was assigned to a United States District Judge,
7 Petitioner’s “motion” will be disregarded. Petitioner’s third motion for extension of time to file
8 an opposition to the motion to dismiss is moot because he has already filed his opposition and the
9 Court, after considering Petitioner’s opposition, has ruled on the motion to dismiss.

10 **ORDER**

11 For the foregoing reasons, it is HEREBY ORDERED as follows:

- 12 1. Petitioner’s motion to decline jurisdiction of the Magistrate Judge (Doc. 10), is
13 DISREGARDED; and,
- 14 2. Petitioner’s third motion for extension of time (Doc. 16), is DENIED as MOOT.

15
16 IT IS SO ORDERED.

17 Dated: May 18, 2011

17 /s/ Jennifer L. Thurston
18 UNITED STATES MAGISTRATE JUDGE