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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JESSIE L. SERRANO,
Plaintiff,
v.
SCOTT RAWERS, et al.,
Defendants.

OLD CASE NO. 1:11-cv-00399-LJO-MJS (PC)
NEW CASE NO. 1:11-cv-00399-MJS (PC)

**ORDER DENYING REQUEST TO
WITHDRAW CONSENT (ECF No. 40)**

**ORDER ASSIGNING CASE AND PRESIDING
JUDGE**

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 28 U.S.C. § 1983. The action proceeds against Defendant Lucas on Plaintiff's Eighth Amendment failure to protect claim.

On April 14, 2011, Plaintiff consented to have a United States Magistrate Judge conduct all further proceedings in this case, including trial and entry of final judgment, pursuant to 28 U.S.C. § 636(c)(1). (ECF No. 4.) On July 16, 2014, Defendant declined to proceed before a Magistrate Judge. On September 16, 2014, Defendant filed a motion for summary judgment (ECF No. 34), and thereafter consented to Magistrate Judge jurisdiction for all purposes (ECF No. 39).

On December 17, 2014, Plaintiff filed a notice stating that he declines to proceed

1 before a Magistrate Judge (ECF No. 40), which the Court construes as a motion to
2 withdraw his April 14, 2011 consent.

3 “A party to a federal civil case has, subject to some exceptions, a constitutional
4 right to proceed before an Article III judge.” Dixon v. Ylst, 990 F.2d 478, 479 (9th Cir.
5 2003). This right can be waived, allowing parties to consent to have any and all further
6 proceedings conducted before a Magistrate Judge. Id. at 479-80. There is no absolute
7 right to withdraw consent to proceeding before a Magistrate Judge. Id. at 480. Instead, a
8 motion to withdraw consent may be granted only for good cause or a showing of
9 extraordinary circumstances. Id.; see also 28 U.S.C. § 636(c)(4).

10 Here, Plaintiff filed only the Court’s standard form requiring a party to consent to
11 or decline Magistrate Judge jurisdiction. (ECF No. 40.) He provides no basis for seeking
12 to withdraw his consent. Accordingly, his request to withdraw his April 14, 2011 consent
13 to Magistrate Judge jurisdiction is HEREBY DENIED.

14 The parties having consented to have all further proceedings in this case,
15 including trial and entry of final judgment, conducted before a Magistrate Judge (ECF
16 Nos. 4 & 39), IT IS HEREBY ORDERED that the above entitled action is assigned to the
17 docket of Magistrate Judge MICHAEL J. SENG as Presiding Judge.

18 ALL FUTURE PLEADINGS SHALL BE
19 NUMBERED AS FOLLOWS:
20 1:11-cv-00399-MJS (PC)

21
22 IT IS SO ORDERED.

23 Dated: February 24, 2015

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