

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

11 DANIEL MASTERSON,)	No. 1:11-cv-01179-DAD-SAB (PC)
)	
12 Plaintiff,)	ORDER DIRECTING DEFENDANTS TO
)	CONSENT TO OR DECLINE UNITED
13 v.)	STATES MAGISTRATE JUDGE
)	JURISDICTION WITHIN FIFTEEN DAYS
14 S. KILLEN, et al.,)	
)	
15 Defendants.)	
)	
)	
)	

17 Plaintiff Daniel Masterson is appearing pro se and in forma pauperis in this civil rights action
18 pursuant to 42 U.S.C. § 1983.

19 On August 17, 2017, the District Judge issued an order adopting findings and
20 recommendations in this matter, and ordered that this action would survive summary judgment and
21 proceed upon the following claims: (1) Plaintiff's First Amendment claim against Defendants
22 Hampson and Killen for retaliation against plaintiff based on his job reassignment; (2) Plaintiff's First
23 Amendment claim against Defendants Santoro and Rodriguez for retaliation against Plaintiff with
24 respect to threats with Ad-Seg placement on August 11, 2011; (3) Plaintiff's conspiracy claim against
25 Defendants Hampson, Killen, Rodriguez, and Santoro with respect to retaliation against Plaintiff; and
26 (4) Plaintiff's state law claim for personal property loss arising out of an alleged retaliatory cell search
27 on December 27, 2011, ordered by Defendant Killen. (ECF No. 159.) As a result, this this case is now
28 ready to proceed to trial on those claims.

1 On August 9, 2011, Plaintiff consented to the jurisdiction of a United States Magistrate Judge
2 to conduct all proceedings in this matter, including entering a judgment in this case, pursuant to 28
3 U.S.C. § 636(c). (ECF No. 6.) Defendants previously declined such jurisdiction. (ECF No. 40.)

4 The Fresno Division of the Eastern District of California now has the heaviest District Judge
5 caseload in the entire nation. While the Court will use its best efforts to resolve this case and all other
6 civil cases in a timely manner, the parties are admonished that not all of the parties' needs and
7 expectations may be met as expeditiously as desired. As multiple trials are now being set to begin
8 upon the same date, parties may find their case trailing with little notice before the trial begins when
9 the case is heard before a United States District Judge. The law requires the Court give any criminal
10 case priority over civil trials and other matters, and the Court must proceed with criminal trials even if
11 a civil trial is older or was set earlier. Continuances of civil trials under these circumstances will no
12 longer be entertained, absent a specific and stated finding of good cause. If multiple trials are
13 scheduled to begin on the same day, this civil trial will trail day to day or week to week until
14 completion of any criminal case or older civil case.

15 The parties are advised of the availability of a United States Magistrate Judge to conduct all
16 proceedings in this action. A United States Magistrate Judge is available to conduct trials, including
17 entry of final judgment, pursuant to 28 U.S.C. § 636(c), Federal Rule of Civil Procedure 73,
18 and Local Rule 305. The Court will direct the Clerk of the Court to provide Defendants with the
19 Court's standard form to consent to or decline Magistrate Judge jurisdiction. Within fifteen (15) days
20 of this order's date of service, Defendants shall either consent to or decline Magistrate Judge
21 jurisdiction by filling out the requisite forms and returning them to the Court.

22 Based on the foregoing, it is HEREBY ORDERED that:

23 1. The Clerk of the Court is DIRECTED to send to Defendants a copy of the
24 consent/decline form and the instructions for consent to Magistrate Judge jurisdiction; and

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1 2. Within **fifteen (15)** days from the date of service of this order, Defendants shall
2 complete and return the Consent or Request for Reassignment form.

3
4 IT IS SO ORDERED.

5 Dated: **August 18, 2017**


UNITED STATES MAGISTRATE JUDGE