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2 **UNITED STATES DISTRICT COURT**
3 **EASTERN DISTRICT OF CALIFORNIA**
4

5 **VIOLA COPPOLA, et al.,**

6 **Plaintiffs**

7 **v.**

8 **GREGORY SMITH, et al.,**

9 **Defendants**
10 _____

11 **AND RELATED CLAIMS**
12 _____

CASE NO. 1:11-CV-1257 AWI BAM

**ORDER DIRECTING THE CLERK OF
THE COURT TO SEND THE PARTIES
THE COURT'S STANDARD FORM TO
CONSENT TO OR DECLINE
MAGISTRATE JUDGE JURISDICTION**

**ORDER REQUIRING THE PARTIES
TO RETURN THE FORMS WITHIN
TEN DAYS**

13
14 Out of fairness, the Court believes it is necessary to forewarn litigants that the Fresno
15 Division of the Eastern District of California now has the heaviest District Judge caseload in the
16 entire nation. While the Court will use its best efforts to resolve this case and all other civil cases
17 in a timely manner, the parties are admonished that not all of the parties' needs and expectations
18 may be met as expeditiously as desired.

19 The Court's trial schedule is being filled, often with multiple cases being set for the same
20 date. The law requires the Court give any criminal case priority over civil trials and other matters,
21 and the Court must proceed with criminal trials even if a civil trial is older or was set earlier. If
22 multiple trials are scheduled to begin on the same day, a civil trial will trail day to day or week to
23 week until completion of any criminal case or older civil case. Although no trial date has been set
24 in this case, this case may be scheduled with other case. It is therefore possible that this case will
25 be subject to trailing, and the parties will have little notice before a trial would actually begin.

26 The parties are reminded of the availability of a United States Magistrate Judge to conduct
27 all proceedings in this action. A United States Magistrate Judge is available to conduct trials,
28 including entry of final judgment, pursuant to 28 U.S.C. § 28 U.S.C. 636(c), Federal Rule of Civil

1 Procedure 73, and Local Rule 305. The Court will direct the Clerk of the Court to provide the
2 parties with the Court's standard form to consent to or decline Magistrate Judge jurisdiction.
3 Within ten days of this order's date of service, the parties shall either consent to or decline
4 Magistrate Judge jurisdiction by filling out the requisite forms and returning them to the Court.
5 The parties are advised that the same jury pool is used by both United States Magistrate Judges
6 and United States Article III District Court Judges. Any appeal from a judgment entered by a
7 United States Magistrate Judge is taken directly to the United States Court of Appeal for the Ninth
8 Circuit.

9 Further, for the parties' information, the Fresno Division, whenever possible, is utilizing
10 United States Article III District Court Judges from throughout the country as Visiting Judges. It
11 is possible that this case may be reassigned to a Visiting Judge at some point in the future.
12 Pursuant to the Local Rules, Appendix A, such reassignments will be random, and the parties will
13 receive no advance notice before their case is reassigned to an Article III District Court Judge
14 from outside of the Eastern District of California.

15 Finally, the parties are hereby informed that no substantive rulings or decisions will be
16 affected by whether a party chooses to consent to Magistrate Judge jurisdiction

17 .
18 Accordingly, IT IS HEREBY ORDERED that:

19 1. The Clerk is DIRECTED to provide the parties with the forms that will allow them
20 to consent to or decline Magistrate Judge Jurisdiction; and

21 2. Within ten days from the service of this order, the parties shall notify the Court
22 whether they consent to or decline Magistrate Judge jurisdiction by filling out the enclosed forms
23 and returning them to the Court.

24 IT IS SO ORDERED.

25 Dated: December 3, 2013

26 
27 SENIOR DISTRICT JUDGE
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