

1
2
3
4 **UNITED STATES DISTRICT COURT**
5 **EASTERN DISTRICT OF CALIFORNIA**
6

7 **DAVID LEE TURNER, JR., et al.,**

8 **Plaintiffs**

9 v.

10 **COUNTY OF KERN, et al.,**

11 **Defendants**

CASE NO. 1:11-CV-1366 AWI SKO

**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**

12
13
14
15
16 On December 17, 2013, during a telephonic status conference, the Court set trial in this
17 matter for February 20, 2014. The Court informed the parties that a retrial of a six-week criminal
18 jury trial would be starting in January 2014, and that there was a possibility that the retrial would
19 continue through February 20, 2014. Additionally, defense counsel Kellar informed all present
20 that he was scheduled to begin a jury trial on February 18, 2014, in Kern County Superior Court.
21 The Court informed the parties that if its criminal retrial was likely to spill over to February 20, or
22 if Mr. Kellar informed the Court that his February 18 trial was likely to proceed, then the Court
23 would vacate the February 20 trial date. The Court raised the possibility of the parties consenting
24 to Magistrate Judge jurisdiction over this matter.

25 A United States Magistrate Judge is available to conduct trials, including entry of final
26 judgment, pursuant to 28 U.S.C. § 28 U.S.C. 636(c), Federal Rule of Civil Procedure 73, and
27 Local Rule 305. The Court will direct the Clerk of the Court to provide the parties with the
28 Court's standard form to consent to or decline Magistrate Judge jurisdiction. Within ten days of

1 this order's date of service, the parties shall either consent to or decline Magistrate Judge
2 jurisdiction by filling out the requisite forms and returning them to the Court. The parties are
3 advised that the same jury pool is used by both United States Magistrate Judges and United States
4 Article III District Court Judges. Any appeal from a judgment entered by a United States
5 Magistrate Judge is taken directly to the United States Court of Appeal for the Ninth Circuit.

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

12 The parties are hereby informed that no substantive rulings or decisions will be affected in
13 any way by whether a party chooses to consent to Magistrate Judge jurisdiction.

14 .
15 Accordingly, IT IS HEREBY ORDERED that:

- 16 1. The Clerk is DIRECTED to provide the parties with the forms that will allow them to
17 consent to or decline Magistrate Judge Jurisdiction; and
- 18 2. Within ten days from the service of this order, the parties shall notify the Court whether
19 they consent to or decline Magistrate Judge jurisdiction by filling out the enclosed forms
20 and returning them to the Court.

21 IT IS SO ORDERED.

22 Dated: December 17, 2013


23 _____
24 SENIOR DISTRICT JUDGE