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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

EDWIN VALENCIA,

Plaintiff,

v.

DOES, et al.,

Defendants.

CASE NO. 1:11-cv-02110-LJO-GBC (PC)

ORDER DECLINING TO ADOPT FINDINGS  
AND RECOMMENDATIONS AND FINDING  
THAT PLAINTIFF HAS CONSENTED TO  
MAGISTRATE JUDGE JURISDICTION

(Docs. 7, 8)

\_\_\_\_\_ /

Plaintiff Edwin Valencia (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. (Doc. 1.) On January 5, 2012, the Court issued an Order Re Consent or Request for Reassignment, requiring Plaintiff to complete and return the form within thirty (30) days, indicating either consent to the jurisdiction of the U.S. Magistrate Judge, or requesting that the case be reassigned to a U.S. District Judge. (Doc. 3.) Again on June 1, 2012, the Court issued an Order Re Consent or Request for Reassignment, requiring Plaintiff to complete and return the form within thirty (30) days. (Doc. 5.) When the thirty (30)-day period expired and petitioner had not returned the form or otherwise responded, a Findings and Recommendation to dismiss the action for Plaintiff’s failure to respond issued. (Doc. 7.) Subsequently, Plaintiff signed and filed the form consenting to jurisdiction of U.S. Magistrate Judge. (Doc. 8.)<sup>1</sup> Despite having adequately responded, Plaintiff

\_\_\_\_\_ <sup>1</sup> Plaintiff signed and dated the box on the form indicating that he consented to jurisdiction of United States Magistrate Judge. This is sufficient to indicate his desire to consent, despite Plaintiff’s failure to mark the small box next to the line indicating his consent.

1 requested an extension of time to respond to the Findings and Recommendation and he was  
2 granted thirty (30) additional days. (Docs. 9, 10.) The thirty (30) day extension of time has  
3 lapsed and Plaintiff has filed nothing further.

4 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a  
5 de novo review of this case. Having carefully reviewed the entire file, the Court finds that  
6 Plaintiff has consented to U.S. Magistrate Jurisdiction and that dismissal is not appropriate.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. The Findings and Recommendations, filed August 7, 2012, (Doc. 7), is not  
9 adopted; and
- 10 2. The Clerk's Office is directed to reassign this case to a Magistrate Judge for all  
11 purposes.

12  
13 IT IS SO ORDERED.

14 **Dated:** October 15, 2012

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