

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

UNITED STATES OF AMERICA,) Case No.: 1:12-CV-00919 LJO JLT
)
Plaintiff,) SECOND ORDER TO CLAIMANTS TIM TRAN,
) KAREN CHHAN, AND WILSON MOBIL, INC.
) RE: CONSENT
)
v.)
) ORDER VACATING MID-DISCOVERY STATUS
APPROXIMATELY \$122,049.45 SEIZED) CONFERENCE
FROM BANK OF THE SIERRA ACCOUNT)
NUMBER 1600621670, HELD IN THE)
NAME OF WILSON MOBIL, INC., a)
California Corporation, and)
)
APPROXIMATELY \$10,895.34 SEIZED)
FROM BANK OF THE SIERRA ACCOUNT)
NUMBER 1600623270, HELD IN THE)
NAME OF WILSON MOBIL, INC., a)
California Corporation,)
)
Defendants.)
)

I. Magistrate Judge Consent

On June 6, 2012, the Court issued its order re: "Notice of Availability of a Magistrate Judge." (Doc. 2-2) Since this time, Plaintiff has filed its consent to the jurisdiction of the Magistrate Judge. (Doc. 18)

Claimants are advised judges in the Eastern District of California carry the heaviest caseload in the nation, and the District Judges are unable to devote inordinate time and resources to individual

1 cases and matters. The Court encourages parties' counsel to consider, and if necessary, to reconsider,
2 consent to a U.S. Magistrate Judge to conduct all further proceedings, including trial. The Magistrate
3 Judges' availability is far more realistic and accommodating to parties than that of Judge O'Neill who
4 must prioritize criminal and older civil cases over more recently filed civil cases.

5 Moreover, civil trials set before Judge O'Neill trail until he becomes available and are subject
6 to suspension mid-trial to accommodate criminal matters. Civil trials are no longer reset to a later date
7 if Judge O'Neill is unavailable on the original date set for trial. In addition, this Court's Fresno
8 Division randomly and without advance notice, reassigns civil actions to U.S. District Judges
9 throughout the nation to serve as visiting judges. Thus, in the absence of Magistrate Judge consent,
10 this action is subject to reassignment to a U.S. District Judge from outside the Eastern District of
11 California.

12 The parties and counsel are encouraged to contact the offices of United States Senators Diane
13 Feinstein and Barbara Boxer to address this Court's inability to accommodate the parties and this
14 action.

15 Therefore, within 14 days of the date of service of this order, the Court **ORDERS** Tim Tran,
16 Karen Chhan and Wilson Mobil, Inc. to file their form (previously provided by the Court (Doc. 2-2))
17 indicating they consents or declines to consent to the jurisdiction of the Magistrate Judge.

18 **II. Mid-discovery status conference**

19 On March 27, 2013, the parties filed a joint statement indicating that discovery is proceeding
20 appropriately. Therefore, the mid-discovery status conference set on April 1, 2013 is **VACATED**.
21 However, for reasons that are not explained, counsel indicate that if the matter does not settle at the
22 May 15, 2013 settlement conference, they believe they will need an extension of the discovery period.
23 Counsel are reminded they are obligated to diligently pursue discovery in this case and ongoing
24 settlement efforts, generally, will not constitute good cause to amend the scheduling order. Thus, they
25 are strongly encouraged to plan to complete discovery within the timeframe set forth in the current
26 scheduling order.

27 **ORDER**

28 For the foregoing reasons, the Court **ORDERS**:

1. **Within 14 days** of the date of service of this order, Tim Tran, Karen Chhan and Wilson Mobil, Inc. **SHALL** file their form (previously provided by the Court (Doc. 2-2)) indicating they consent or decline to consent to the jurisdiction of the Magistrate Judge;

2. The mid-discovery status conference, set on April 1, 2013, is **VACATED**.

IT IS SO ORDERED.

Dated: **March 28, 2013**

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE