1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 9 EASTERN DISTRICT OF CALIFORNIA 10 11 JESSE WASHINGTON, Case No.: 1:12-cv-01404-AWI-SAB (PC) 12 Plaintiff, ORDER DENYING PLAINTIFF'S EX PARTE REQUEST FOR EXPEDITED TRIAL SETTING 13 v. PROCEDURES AND DIRECTING CLERK OF COURT TO SEND PLAINTIFF NOTICE OF 14 R. SAMUELS, et al., OPTION TO CONSENT FORM 15 Defendant. [ECF No. 34] 16 Plaintiff Jesse Washington is appearing pro se and in forma pauperis in this civil rights action 17 18 pursuant to 42 U.S.C. § 1983. 19 This action is proceeding on Plaintiff's retaliation claim against Defendant R. Samuels. 20 Defendant filed an answer to the complaint on September 24, 2014. (ECF No. 28.) On September 26, 21 2014, the Court issued a discovery and scheduling order, along with notice of this Court's expedited 22 trial setting procedures upon consent of all parties. 23 On February 9, 2015, Plaintiff filed an ex parte request for status on the Court's expedited trial 24 setting procedures. (ECF No. 34.) On December 31, 2014, Plaintiff filed a notification of his consent to magistrate judge 25 jurisdiction pursuant to 28 U.S.C. § 636(c). See Fed. R. Civ. P. 73(b). However, as of today's date 26 27 Defendant has not consented to magistrate judge jurisdiction, and the Court cannot implement the

expedited trial setting procedures absent Defendant's consent. As stated in the Court's September 26,

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2014, notice of expedited trial setting procedures, "[w]ithholding consent or declining jurisdiction of a Magistrate Judge for all purposes will have no effect on the merits of a party's case or have any adverse substantive consequences." (ECF No. 29, Order at 3:14-15.) If Plaintiff wishes to consent to magistrate judge jurisdiction he must sign and complete the Order Re Consent or Request for Reassignment form provided to him with this order. The failure to consent again will have no adverse substantive consequences.

Based on the foregoing, IT IS HEREBY ORDERED that:

- 1. Plaintiff's motion to implement the expedited trial setting procedures is DENIED as premature; and
- 2. The Clerk of Court is directed to send Plaintiff an Order Re Consent or Request for Reassignment form for completion and return to the Court, if Plaintiff so desires.

IT IS SO ORDERED.

Dated: **February 16, 2015**

UNITED STATES MAGISTRATE JUDGE