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8	UNITED STATES DISTRICT COURT											
9	EASTERN DISTRICT OF CALIFORNIA											
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11	ESTER BURNETT,	) (	Case No.: 1:12-cv-01694-SAB (PC)									
12	Plaintiff,	)	ORDER DIRECTING DEFENDANTS TO									
13	v.	(	CONSENT TO OR DECLINE UNITED STATES MAGISTRATE JUDGE JURISDICTION WITHIN									
14	J. MEYST, et al.,		FIFTEEN DAYS									
15	Defendants.	)										
16												
17	Plaintiff Ester Burnett is appearing pro se and in forma pauperis in this civil rights action											
18	pursuant to 42 U.S.C. § 1983.											
19	This action is proceeding against Γ	efenda	nts B. Carr, B. Davi. Henry, J. Meyst, and Rice for									
20	excessive force in violation of the Eighth A	mendm	ent. <sup>1</sup>									
21	On December 21, 2012, Plaintiff co	nsented	to magistrate judge jurisdiction pursuant to 28									
22	U.S.C. § 636(c). (ECF No. 10.)											
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25	was directed to choose which claim he wished to pro-	oceed wit	te and distinct claims against multiple defendants. Plaintiff h in the instant action. (ECF No. 13.) On December 23,									
26	2013, Plaintiff elected to proceed on the excessive force claim as set forth above. Thereafter, on February 18, 2014, the Court provided Plaintiff with the necessary service of process documents, and in that order the Court inadvertently dismissed Plaintiff's remaining claims and defendants from the action for failure to state a claim, instead of dismissal for improper joinder. (ECF No. 15.) Nonetheless, such error is not prejudicial as the Court's screening order advised Plaintiff that all unrelated claims were subject to dismissal, and the unrelated claims were not dismissed, with prejudice, and nothing has precluded Plaintiff from re-filing those claims in a new action, if so desired.											
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On May 7, 2014, Defendants Meyst, Henry, Rice, Carr, and Davi filed an answer to the complaint. (ECF No. 18.) On May 20, 2014, the Court issued the discovery and scheduling order, setting the dispositive motion deadline of March 30, 2015. (ECF No. 19.) To date, no dispositive motions have been filed, and this case is now ready to proceed to trial.

The Fresno Division of the Eastern District of California now has the heaviest District Judge caseload in the entire nation. While the Court will use its best efforts to resolve this case and all other civil cases in a timely manner, the parties are admonished that not all of the parties' needs and expectations may be met as expeditiously as desired. As multiple trials are now being set to begin upon the same date, parties may find their case trailing with little notice before the trial begins when the case is heard before a United States District Judge. The law requires the Court give any criminal case priority over civil trials and other matters, and the Court must proceed with criminal trials even if a civil trial is older or was set earlier. Continuances of civil trials under these circumstances will no longer be entertained, absent a specific and stated finding of good cause. If multiple trials are scheduled to begin on the same day, this civil trial will trail day to day or week to week until completion of any criminal case or older civil case.

The parties are advised of the availability of a United States Magistrate Judge to conduct all proceedings in this action. A United States Magistrate Judge is available to conduct trials, including entry of final judgment, pursuant to 28 U.S.C. § 28 U.S.C. 636(c), Federal Rule of Civil Procedure 73, and Local Rule 305. The Court will direct the Clerk of the Court to provide Defendants with the Court's standard form to consent to or decline Magistrate Judge jurisdiction. Within ten days of this order's date of service, Defendants shall either consent to or decline Magistrate Judge jurisdiction by filling out the requisite forms and returning them to the Court. Defendants should take note of the Court's expedited trial setting procedures set forth in Court's September 4, 2014, when making their determination.

Based on the foregoing, it is HEREBY ORDERED that:

1. The Clerk of the Court is DIRECTED to send to Defendants Meyst, Henry, Rice, Carr, and Davi a copy of the consent/decline form and the instructions for consent to Magistrate Judge jurisdiction; and

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2.	Within	fifteen (	(15) days	from the	e date	of servic	e of	this (	order,	Detendants	Meyst
Henry, Rice,	Carr, and	Davi sha	all comple	te and re	turn th	e Consent	or R	eques	t for R	eassignmen	t form.

IT IS SO ORDERED.

Dated: **April 24, 2015** 

UNITED STATES MAGISTRATE JUDGE