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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ANTHONY BLACKBURN,  
CORPORATION,

CASE NO. CV F 13-0054 LJO GSA

Plaintiff,

vs.

**ORDER TO ADDRESS WHETHER AN  
AMENDED COMPLAINT WILL BE FILED  
AND ASSIGNMENT TO A U.S.  
MAGISTRATE JUDGE FOR ALL  
PURPOSES**

STURGEON SERVICES  
INTERNATIONAL, INC.,

(Doc. 6.)

Defendant.

Judges in the Eastern District of California carry the heaviest caseload in the nation, and this Court is unable to devote inordinate time and resources to individual cases and matters. This Court must avoid devotion of resources to unfruitful matters, such as motions which become moot, and must take measures to maximize limited judicial resources and staff.

As such, this Court ORDERS plaintiff's counsel, no later than April 3, 2013, to file papers to indicate whether plaintiff will file either: (1) an amended complaint; or (2) an opposition to defendant's pending motion to dismiss. This Court has found that amended complaints often resolve matters raised by motions to dismiss. This order is not an indication of this Court's view of the pending matter or how it will rule.

In addition, this Court ORDERS all parties' counsel to consider, and if necessary, to reconsider, consent to a U.S. Magistrate Judge to conduct all further proceedings, including trial. The Magistrate Judges' availability is far more realistic and accommodating to parties than that of a U.S. District Lawrence J. O'Neill who must prioritize criminal and older civil cases over more recently

1 filed civil cases. This Court ORDERS the parties' counsel, no later than April 3, 2013, to file and  
2 serve papers to indicate whether each party consents to the conduct of all further proceedings by U.S.  
3 Magistrate Judge. U.S. Magistrate consent forms are available on this Court's website.

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

11 The parties and counsel are encouraged to contact the offices of United States Senators Diane  
12 Feinstein and Barbara Boxer to address this Court's inability to accommodate the parties and this  
13 action. For further information regarding handling of this action, the parties may contact staff  
14 attorney Gary Green at (559) 499-5683 or email him at [ggreen@caed.uscourts.gov](mailto:ggreen@caed.uscourts.gov).

15 IT IS SO ORDERED.

16 Dated: March 25, 2013

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

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