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

HUSSEIN ALI KIETTY,)	Case No.: 1:13-cv-00312-SAB (PC)
)	
Plaintiff,)	
)	ORDER DIRECTING DEFENDANTS TO
v.)	CONSENT TO OR DECLINE UNITED STATES
)	MAGISTRATE JUDGE JURISDICTION WITHIN
A. WALKER, et al.,)	FIFTEEN DAYS
)	
Defendants.)	
)	
)	

Plaintiff Hussein Ali Kietty is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

This action is proceeding on Plaintiff’s claim for failure to protect against Defendants Walker, Deathriage, Rumbles, and Silva, excessive force against Defendants Walker, Asotrga, Deathriage, Brumbaugh, Silva, and Duty, and retaliation against Defendants Deathriage and Silva. (ECF No. 27.)

On March 20, 2013, Plaintiff consented to magistrate judge jurisdiction pursuant to 28 U.S.C. § 636(c). (ECF No. 6.)

On May 30, 2014, Defendants Deathriage, Duty, Walker, Brumbaugh, Silva, and Astorga filed an answer to the complaint. (ECF No. 15.) On June 2, 2014, the Court issued the discovery and scheduling order, setting the dispositive motion deadline of April 13, 2015. (ECF No. 15.)

Pursuant to permission by the Court, Plaintiff filed a first amended complaint on September 22, 2014, and Defendants filed an answer to the amended complaint on November 5, 2014. (ECF Nos. 25,

1 28.) The Court did not issue a new discovery and scheduling order, and therefore the June 2, 2014,
2 order remained in full force and effect. To date, no dispositive motions have been filed, and this case
3 is now ready to proceed to trial.

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

15 The parties are advised of the availability of a United States Magistrate Judge to conduct all
16 proceedings in this action. A United States Magistrate Judge is available to conduct trials, including
17 entry of final judgment, pursuant to 28 U.S.C. § 28 U.S.C. 636(c), Federal Rule of Civil Procedure 73,
18 and Local Rule 305. The Court will direct the Clerk of the Court to provide Defendants with the
19 Court's standard form to consent to or decline Magistrate Judge jurisdiction. Within ten days of this
20 order's date of service, Defendants shall either consent to or decline Magistrate Judge jurisdiction by
21 filling out the requisite forms and returning them to the Court. Defendants should take note of the
22 Court's expedited trial setting procedures set forth in Court's September 5, 2014, when making their
23 determination.

24 Based on the foregoing, it is **HEREBY ORDERED** that:

25 1. The Clerk of the Court is **DIRECTED** to send to Defendants Deathriage, Duty, Walker,
26 Brumbaugh, Silva, and Astorga a copy of the consent/decline form and the instructions for consent to
27 Magistrate Judge jurisdiction; and

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2. Within **fifteen (15)** days from the date of service of this order, Defendants Deathriage, Duty, Walker, Brumbaugh, Silva, and Astorga shall complete and return the Consent or Request for Reassignment form.

IT IS SO ORDERED.

Dated: April 24, 2015


UNITED STATES MAGISTRATE JUDGE