

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

THOMAS CURSIS ECKMAN,
Plaintiff,
v.
JACKSON,
Defendant.

No. 1:13-CV-01515 DLB PC

NOTICE OF THIS COURT'S EXPEDITED
TRIAL SETTING PROCEDURES UPON
CONSENT OF ALL PARTIES

17 Due to the extraordinarily high case load of the district court judges in this district, trials
18 in civil rights actions concerning prison conditions are often conducted by United States
19 Magistrate Judges with the consent of all the parties. A trial conducted by a magistrate judge is
20 far more likely to proceed on a scheduled trial date. Presently, when a civil trial is set before a
21 district judge, any criminal trial which conflicts with the civil trial will take priority, even if the
22 civil trial date was set first. Thus, a civil trial set before a district judge is often trailed day to day
23 or week to week until the completion of the matter occupying the district court. Consenting to the
24 jurisdiction of a magistrate judge for all purposes will generally expedite the resolution of an
25 action.

26 The parties are therefore reminded of the availability of a United States Magistrate Judge
27 to conduct all proceedings in this action. A United States Magistrate Judge is available to
28 conduct trials, including entry of final judgment, pursuant to 28 U.S.C. § 636(c), Federal Rule of

1 Civil Procedure 73, and Local Rule 305. Any appeal from a judgment entered by a United States
2 Magistrate Judge is taken directly to the United States Court of Appeal for the Ninth Circuit.

3 If all parties in this action consent to the jurisdiction of a United States Magistrate Judge,
4 this Court will immediately schedule a trial setting hearing. The Court will proceed as follows at
5 the trial setting hearing:

6 1. Set the matter for trial on a date certain before this Court. Generally, the trial date will
7 be scheduled for a date approximately six months after the deadline for the filing of dispositive
8 motions;¹ and

9 2. By agreement of the parties, vacate any previously set deadlines, such as dispositive
10 motion deadlines, if the parties stipulate that such deadlines are unnecessary and the parties desire
11 to proceed to trial expeditiously after the closing of the discovery deadlines.

12 Consistent with the Federal Rules of Civil Procedure and the Local Rules of the Eastern
13 District, if the matter proceeds to trial under this process, the Court will handle the trial just as
14 any other civil case which comes before the Court. Withholding consent or declining jurisdiction
15 of a United States Magistrate Judge for all purposes will have no effect on the merits of a party's
16 case or have any adverse substantive consequences.² A party may also consent to magistrate
17 judge jurisdiction at any time, even if the party has previously declined such jurisdiction.

18 IT IS SO ORDERED.
19

20 Dated: December 2, 2015

/s/ Dennis L. Beck
21 UNITED STATES MAGISTRATE JUDGE
22

23 ¹ See Court's Discovery and Scheduling Order for dispositive motion deadlines. Setting a trial
24 date approximately six months after the deadline affords a period for a response/reply to the
25 dispositive motion, and consideration of the motion by the court; if claims remain after a decision
26 on the dispositive motion, a schedule will be set for motions in limine, pre-trial statements,
motions for incarcerated witnesses, and motions for payment of unincarcerated witness fees, all
prior to the first day of trial.

27 ² Even if the parties decline consent, under Local Rule 302 the assigned magistrate judge will still
28 conduct a number of pretrial matters.