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

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|--------------|---|--------------------------------------|
| JUAN JAIMES, |) | Case No.: 1:14-cv-00952-LJO-SAB (PC) |
| |) | |
| Plaintiff, |) | |
| |) | ORDER REGARDING CONSENT TO UNITED |
| v. |) | STATES MAGISTRATE JUDGE JURISDICTION |
| |) | AND DIRECTING CLERK OF COURT TO SEND |
| NEIGHBORS, |) | PARTIES CONSENT/DECLINE FORM |
| |) | |
| Defendant. |) | |
| |) | |
| |) | |

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

This action proceeds against Defendant Neighbors for deliberate indifference to a serious medical need in violation of the Eighth Amendment. No dispositive motion having been filed by Defendant Neighbors, this case is ready to proceed to trial.

Plaintiff declined Magistrate Judge jurisdiction on July 11, 2014. (ECF No. 7.) Defendant has not consented or declined magistrate judge jurisdiction. Now that the case is ready to be set for trial, the parties are advised of the following important information about scheduling and trailing cases before the undersigned:¹

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¹ Withholding 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.

1 District Court Judges of the Fresno Division of the Eastern District of California have one of
2 the heaviest caseloads in the nation. As a result, each District Judge schedules **multiple** trials to begin
3 on every available trial date. The law requires that the court give any criminal trials priority over civil
4 trials or any other matter. A civil trial set to begin while a criminal trial is proceeding will “trail”, i.e.,
5 await the completion of, the criminal trial.

6 The Court cannot give advance notice of which cases will trail or for how long because the
7 Court does not know which cases actually will go to trial or precisely how long each will last. Once
8 your trial date arrives, counsel, parties and witnesses must remain on 24-hour-stand-by until a court
9 opens. Since continuance to a date certain would simply postpone, but not solve, the problem,
10 continuances of a civil trial will no longer be entertained, absent a specific and stated finding of good
11 cause. The Court will use its best efforts to mitigate the effect of the foregoing and to resolve all cases
12 in a timely manner.

13 One alternative is for the parties to consent to a United States Magistrate Judge conducting all
14 proceedings, including trial and entry of final judgment, pursuant to 28 U.S.C. § 636(c), Federal Rule
15 of Civil Procedure 73, and Local Rule 305. The Eastern District Magistrate Judges, all experienced
16 former trial lawyers, use the same jury pool and same court facilities as United States District Court
17 Judges. Since Magistrate Judges do not conduct felony trials, they have greater flexibility and
18 schedule firm trial dates. Judgment was entered by a United States Magistrate Judge is appealable
19 directly to the United States Court of Appeal for the Ninth Circuit.

20 As another response to its large caseload, the Fresno division of the Eastern District of
21 California is assigning cases, whenever possible, to Article III District Court Judges from around the
22 nation as Visiting Judges. Pursuant to the Local Rules, Appendix A, such reassignments will be
23 random, and the parties will receive no advance notice before their case is reassigned to an Article III
24 District Court Judge from outside of the Eastern District of California.

25 Accordingly, IT IS HEREBY ORDERED that:

- 26 1. The Clerk’s Office shall send the parties the consent/decline form;
- 27 2. Within twenty (20) days from the date of service of this order, the parties may
28 return the consent/decline form to the Court; and

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3. After the twenty (20) day deadline, if both parties have not consented to magistrate judge jurisdiction, the matter will be set for jury trial before the undersigned.

IT IS SO ORDERED.

Dated: June 14, 2017

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