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

ANTONIO RAMIREZ, JR.,)	Case No.: 1:14-cv-00978 --- JLT
)	
Plaintiff,)	ORDER TO PLAINTIFF TO FILE A
)	CONSENT OR DECLINE FORM WITHIN 10
v.)	DAYS
)	
BAKERSFIELD POLICE DEPARTMENT,)	
et al.,)	
)	
Defendants.)	
)	

Currently set before the Court is a status conference re: consent set for November 21, 2014. However, because Plaintiff is incarcerated and the defendants have filed their consent forms already, the status conference is **VACATED**. In addition, Plaintiff is **ORDERED** to file his consent or decline to the jurisdiction of the Magistrate Judge within 10 days. To allow Plaintiff to make informed decision about whether to grant his consent, the Court provides him the following information:

For nearly every year over the last decade, the Eastern District of California has carried the highest weighted caseload of any district in the entire federal system. The judges carry caseloads which are more than double the national average. The causes for this are many-fold. First, over the last 30 years, California’s population has expanded significantly and many of these people live in this District. Likewise, numerous prisons have been constructed in this District bringing thousands and thousands of inmates to this area. This growth of inmate and non-inmate populations has caused the civil and criminal caseloads to explode.

1 Second, the Eastern District of California has not had a new judgeship in about 30 years. Thus,
2 the same number of judicial officers is handling exponentially more cases now than the same number of
3 judges handled 30 years ago. As it stands, the Fresno Division has only one active district judge and
4 one part-time senior district judge who are constitutionally obligated to place priority on criminal
5 matters. Despite this, more than half of the civil cases filed in the District are filed in the Fresno
6 Division. The Sacramento Division has four active district judges and two senior district judges so the
7 Court has been forced to redirect many of the civil cases filed in the Fresno Division to the Sacramento
8 Division. At the outset of this case, the parties were reminded of this judicial crisis and were advised
9 that their case had been randomly selected to be reassigned to the Sacramento Division. (Doc. 17-1)

10 The impacts of the judicial crisis are easy to track. Assuming a District Judge ever finds time to
11 try the case, it takes longer for cases to come to trial, litigants are forced to have their trials continued
12 many times before they are heard, trials may trail from day-to-day until the District Judge has time to
13 hear them or trials are interrupted, once started, to allow the District Judge to take matters of higher
14 priority.

15 Until change occurs, the Court must employ all reasonable tactics to attempt to advance the
16 cases through the system. Here, the parties are allowed the option of consenting to magistrate judge
17 jurisdiction—and allow their case to proceed in a convenient location in a timely fashion—or, to
18 decline this option and allow the case to proceed in Sacramento. The Court understands the frustration
19 of counsel and hardship on the parties if the matter is transferred to Sacramento but unless and until this
20 Court is afforded additional judicial resources, it simply cannot continue to hear the multitude of civil
21 cases filed in the Fresno Division.

22 If Plaintiff affirmatively consents to Magistrate Judge jurisdiction, all hearings will remain in
23 the Fresno Division and will not be transferred to Sacramento. The trial would occur in Bakersfield
24 which would ease the Plaintiff's ability to present witnesses who, in all likelihood, are located in
25 Bakersfield. Just as with a final judgment issued by a District Judge, any appeal from the final
26 judgment issued by the Magistrate Judge would proceed in the Ninth Circuit Court of Appeals.

27 Plaintiff may consent or withhold consent to Magistrate Judge jurisdiction without any adverse
28 substantive consequences. However, in the event that Plaintiff does not consent, all hearings and the

1 trial will occur in Sacramento. Moreover, if the trial occurs in Sacramento, the parties' ability to
2 compel witnesses to appear at the trial may be reduced.

3 Therefore, **within 10 days**, Plaintiff is **ORDERED** to file his consent or decline to the
4 jurisdiction of the Magistrate Judge. The Clerk of the Court is **DIRCTED** to provide Plaintiff a form
5 for that purpose.

6
7 IT IS SO ORDERED.

8 Dated: **November 18, 2014**

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE