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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHNNY G. BRIONES,
Plaintiff,
v.
S. FLORES, et al.,
Defendants.

No. 1:14-cv-01479 DLB PC
ORDER REGARDING PLAINTIFF'S
DECLINE OF MAGISTRATE JUDGE
JURISDICTION
(Document 40)

This is a civil rights action filed pursuant to 42 U.S.C. § 1983 by Johnny G. Briones, a state prisoner proceeding pro se and in forma pauperis. Plaintiff consented to the jurisdiction of the United States Magistrate Judge on October 1, 2014, in accordance with 28 U.S.C. § 636(c) and Rule 73(b) of the Federal Rules of Civil Procedure.

On August 11, 2016, the Court ordered Defendants to decline or consent to United States Magistrate Judge jurisdiction. Defendants consented on August 22, 2016.

On August 22, 2016, the Court received a decline of jurisdiction from Plaintiff.

Once a civil case is referred to a Magistrate Judge under 28 U.S.C. § 636(c), the reference can be withdrawn only “for good cause shown on its own motion, or under extraordinary circumstances shown by any party.” 28 U.S.C. § 636(c)(4); *Dixon v. Ylst*, 990 F.2d 478, 480 (9th Cir. 1993) (stating that “[t]here is no absolute right, in a civil case, to withdraw consent to trial and other proceedings before a magistrate judge.”). A referral to a magistrate judge will not

1 be vacated where a party has consented in a signed writing to Magistrate Judge jurisdiction, the
2 party fails to make a motion to vacate the reference that is supported by a showing of
3 extraordinary circumstances, and the Court does not sua sponte find good cause for withdrawal of
4 consent. *Id.*

5 Plaintiff has not made any such showing, and case SHALL remain assigned to the
6 Magistrate Judge.

7 IT IS SO ORDERED.

8 Dated: August 24, 2016

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE

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