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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MICHAEL BIRD,  
Plaintiff,  
v.  
A. ZUNIGA, et al.,  
Defendants.

CASE NO. 1:15-cv-00910--MJS (PC)  
**ORDER DENYING REQUEST TO  
WITHDRAW CONSENT TO MAGISTRATE  
JUDGE JURISDICTION  
(ECF No. 10)**

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 28 U.S.C. § 1983. The action proceeds against Defendant Musleh on Plaintiff's Eighth Amendment failure to protect claim. Service on Defendant Musleh is pending.

On July 6, 2015, Plaintiff consented to have a United States Magistrate Judge conduct all further proceedings in this case, including trial and entry of final judgment, pursuant to 28 U.S.C. § 636(c)(1). (ECF No. 6.) Defendant has yet to appear in the action. Before the Court is Plaintiff's May 13, 2016 request to withdraw his consent to Magistrate Judge jurisdiction.

"A party to a federal civil case has, subject to some exceptions, a constitutional right to proceed before an Article III judge." Dixon v. Ylst, 990 F.2d 478, 479 (9th Cir. 2003). This right can be waived, allowing parties to consent to have any and all further

1 proceedings conducted before a Magistrate Judge. Id. at 479-80. There is no absolute  
2 right to withdraw consent to proceeding before a Magistrate Judge. Id. at 480. Instead, a  
3 motion to withdraw consent may be granted only for good cause or a showing of  
4 extraordinary circumstances. Id.; see also 28 U.S.C. § 636(c)(4).

5 Here, Plaintiff provides no basis for seeking to withdraw his consent. Accordingly,  
6 his request is HEREBY DENIED.

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8 IT IS SO ORDERED.

9 Dated: May 17, 2016

/s/ Michael J. Seng  
UNITED STATES MAGISTRATE JUDGE

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