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

JARED VILLERY,	)	Case No.: 1:15-cv-00936-LJO-SAB (PC)
	)	
Plaintiff,	)	
	)	ORDER REGARDING CONSENT TO UNITED
v.	)	STATES MAGISTRATE JUDGE
	)	
EDWARD GARCIA, et al.,	)	ORDER DIRECTING CLERK OF COURT TO
	)	SEND PARTIES CONSENT/DECLINE FORMS
Defendants.	)	
	)	
	)	

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

This action is proceeding against Defendants George Rodriguez, Bryan Lindsey, Edward Granillo, Brian Dagama, and David Stewart for retaliation in violation of the First Amendment.<sup>1</sup>

Plaintiff declined United States Magistrate Judge jurisdiction on July 8, 2015 (ECF No. 7), and Defendants have not consented or declined.

The deadline for filing of dispositive motions has expired, and 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:

<sup>1</sup> Defendants George Rodriguez, Bryan Lindsey, and Edward Granillo are represented by the law firm of Burke, Williams & Sorensen, and Defendants Brian Dagama and David Stewart are represented by the Office of the Attorney General.

1 District Court Judges of the Fresno Division of the Eastern District of California have one of  
2 the heaviest caseload in the nation. As a result, each District Judge schedules multiple trials to begin  
3 on each available trial date. Civil cases will trail and begin as soon as a courtroom is cleared. The law  
4 requires that the Court give any criminal trial priority over civil trials or any other matter. A civil trial  
5 set to begin while a criminal trial is proceeding will trail 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 will simply postpone, but not solve, the problem,  
10 continuances of any civil trial under these circumstances will no longer be entertained, absent a  
11 specific and stated finding of good cause. The Court will use its best efforts to mitigate the effect of  
12 the foregoing and to resolve all cases 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. § 28 U.S.C. 636(c),  
15 Federal Rule of Civil Procedure 73, and Local Rule 305. The Eastern District Magistrate Judges, all  
16 experienced former trial lawyers, use the same jury pool and same court facilities as United States  
17 District Court Judges. Since Magistrate Judges do not conduct felony trials, they have greater  
18 flexibility and schedule firm trial dates. Judgment entered by a United States Magistrate Judge is  
19 appealable directly to the United States Court of Appeal for the Ninth Circuit. (While there are  
20 scheduling benefits to consenting to Magistrate Judge jurisdiction, substantive rulings and decisions  
21 will not be affected by whether a party chooses to consent or not.)

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

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Accordingly, it is HEREBY ORDERED that:

1. The Clerk's Office shall send the parties consent/decline forms;
2. Within twenty (20) days from the date of service of this order, the parties may return the consent form to the Court; and
3. After the twenty (20) day deadline, if all parties have not consented to United States Magistrate Judge jurisdiction the matter will be set for jury trial before the undersigned.

IT IS SO ORDERED.

Dated: January 17, 2017

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