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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 JOEY FITCH,) Case No.: 1:16-cv-00489 - DAD - JLT
12)
13 Plaintiff,) ORDER DIRECTING DEFENDANTS TO
14)
15 v.) CONSIDER MAGISTRATE JUDGE
16) JURISDICTION
17)
18 JOSEPH GALLAND, et al.,)
19)
20 Defendants.)
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17 The United States District Judges for the Fresno Division of the Eastern District of California
18 carry the heaviest caseloads in the nation and who must prioritize criminal and older civil cases over
19 more recently filed civil cases. Consequently, the Fresno Division, whenever possible, is utilizing
20 United States Article III District Court Judges from throughout the nation as Visiting Judges. Pursuant
21 to the Local Rules, Appendix A, such reassignments will be random, and the parties will receive no
22 advance notice before their case is reassigned to an Article III District Court Judge from outside of the
23 Eastern District of California.

24 In addition, the availability of United States Magistrate Judges is far more realistic and
25 accommodating to parties than that of the District Judges. A Magistrate Judge may conduct trials,
26 including entry of final judgment, pursuant to 28 U.S.C. § 636(c), Federal Rule of Civil Procedure 73,
27 and Local Rule 305. Any appeal from a judgment entered by a Magistrate Judge is taken directly to
28 the United States Court of Appeal for the Ninth Circuit.

1 Plaintiff previously indicated her willingness to consent to the jurisdiction of the assigned
2 Magistrate Judge. (Doc. 7) Therefore, Defendants are directed to consider whether they will consent
3 for the Magistrate Judge to conduct all further proceedings, including trial. **Within 10 days** of the
4 date of this order, counsel **SHALL** file a consent/decline form (provided by the Court at the inception
5 of this case) indicating whether they will consent to the jurisdiction of the Magistrate Judge.

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7 IT IS SO ORDERED.

8 Dated: **November 17, 2016**

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE